

THIRTY-SEVENTH DAY.

(Friday, March 2, 1923.)

The House met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Speaker Seagler.

The roll was called and the following members were present:

Abney.	Hughes.
Amsler.	Hull.
Arnold.	Irwin.
Atkinson.	Jacks.
Avis.	Jennings.
Baker of Milam.	Johnson.
Baker of Orange.	Jones.
Barker.	Kemble.
Barrett.	Lackey.
Beasley.	Laird.
Bell.	Lamb.
Bird.	Lane.
Blount.	LeMaster.
Bobbitt.	LeStourgeon.
Bonham.	Lewis.
Bryant.	Loftin.
Burmeister.	McBride.
Cable.	McDaniel.
Carpenter	McDonald.
of Matagorda.	McFarlane.
Carson.	McKean.
Carter of Coke.	McNatt.
Carter of Hays.	Martin.
Coffee.	Mathes.
Collins.	Maxwell.
Cowen.	Melson.
Crawford.	Merriman.
Culp.	Merritt.
Davenport.	Miller.
Davis.	Montgomery.
DeBerry.	Moore.
Dielmann.	Morgan
Dodd.	of Liberty.
Downs.	Morgan
Driggers.	of Robertson.
Duffey.	Pate.
Dunlap.	Patman.
Dunn.	Patterson.
Durham.	Perdue.
Edwards.	Pinkston.
Faubion.	Pool.
Fields.	Potter.
Fugler.	Purl.
Gipson.	Quaid.
Greer.	Quinn.
Hardin of Erath.	Rice.
Hardin	Robinson.
of Kaufman.	Rogers.
Harrington.	Rountree.
Harris.	Rowland.
Henderson	Russell
of Marion.	of Callahan.
Henderson	Russell of Trinity.
of McLennan.	Sackett.
Hendricks.	Sanford.
Houston.	Satterwhite.
Howeth.	Shearer.

Shires.	Thompson.
Simpson.	Thrasher.
Smith.	Turner.
Sparkman.	Vaughan.
Stevens.	Wallace.
Stewart of Jasper.	Wells.
Stewart of Reeves.	Wessels.
Storey.	Williamson.
Stroder.	Wilmans.
Sweet.	Wilson.
Teer.	Young.

Absent.

Finlay.	Pope.
Green.	Price.
Looney.	Westbrook.

Absent—Excused.

Baldwin.	Lusk.
Brady.	Stell.
Carpenter	Stewart
of Dallas.	of Edwards.
Chitwood.	Stiernberg.
Covey.	Strickland.
Dinkle.	Winfree.
Frnka.	

A quorum was announced present.

Prayer was offered by Rev. J. C Mitchell, Chaplain.

LEAVES OF ABSENCE GRANTED.

The following members were granted leaves of absence on account of important business:

Mr. Stewart of Edwards, for today, on motion of Mr. Robinson.

Mr. Stell, for today and tomorrow, on motion of Mr. Wessels.

Mr. Brady and Mr. Purl, for today, on motion of Mr. Jacks.

Mr. Winfree, for today and tomorrow, on motion of Mr. Arnold.

The following member was granted leave of absence on account of sickness:

Mr. Covey, for today, on motion of Mr. Hardin of Erath.

HOUSE BILL ON FIRST READING.

The following House bill, introduced today, was laid before the House, read first time, and referred to the appropriate committee as follows:

By Mr. Rogers:

H. B. No. 670, A bill to be entitled "An Act making provision whereby sessions of the County Court at Law No. 2 may be held at Goose Creek for the convenience of the people in Justice Precinct No. 3 in Harris county; vesting in the County Court at Law No. 2 of Har-

ris county exclusive jurisdiction within the territory now comprising Justice Precinct No. 3 of said county as to matters and things of which said court now has jurisdiction within the county; providing for the session of said County Court at Law No. 2 in the town of Goose Creek for at least ten days of each month in said territory, and fixing the date during each month on which said sessions shall begin; making it the duty of the commissioners court of Harris county to provide a suitable place for holding said sessions; conforming the jurisdiction of other inferior courts to the change herein made; providing for the necessary clerks and officers; making the necessary provisions incident to the purpose and subject of the act; providing for the transfer of cases and proceedings, and declaring an emergency."

Referred to Judiciary Committee.

SENATE BILLS ON FIRST READING.

The following Senate bills were laid before the House, read severally first time, and referred to the appropriate committees, as follows:

Senate bill No. 403, to the Committee on School Districts.

Senate bill No. 244, to the Committee on Judicial Districts.

HOUSE BILL NO. 622 ON FINAL PASSAGE.

Mr. Faubion moved that the House take up for consideration at this time, on its final passage,

H. B. No. 622, A bill to be entitled "An Act to create the Spicewood Independent School District in Burnet county, Texas, including the present Spicewood District No. 21, of said county; providing for a board of trustees therefor, vesting said independent school district and board of trustees with all the rights, powers, privileges and duties conferred upon independent school districts incorporated under the general laws of Texas; providing that the board of trustees of the present Spicewood District No. 21 shall continue to act as such until their successors are elected in accordance with the general laws of Texas, and declaring an emergency."

The bill having been read third time and laid on the table subject to call.

The motion prevailed.

The Speaker then laid the bill before the House.

Mr. Faubion offered the following amendments to the bill:

Amend House bill No. 622 by striking out all after the enacting clause and inserting the following:

Section 1. That the Spicewood Independent School District in Burnet county, Texas, is hereby created and established including the present Rockvale District No. 21, with metes and bounds as follows: Beginning at the N. W. corner of the Edward E. Williams Survey No. 260, being corner of the N. W. Dawson Survey. Thence S. 5285 vrs. the S. W. corner of said Williams Survey. Thence E. 217 vrs. a corner of the J. T. Conn Survey No. 272. Thence S. 10 E 1037 vs. another corner of said Conn Survey. Thence S. 80 W. 687 vs. to the line of Burnet and Blanco counties. Thence S. 72° 2' E. with said line, 13757 vs. to the W. line of the A. & L. Shaffer No. 57. Thence N. at 255 vs. the S. W. corner of the M. C. Salinas Survey No. 17, at 8369 vs. the N. W. corner of said Salinas Survey. Thence up the Colorado River with its meanderings to the N. W. corner of the M. C. Salinas Survey No. 15. Thence S. 1375 vs. the N. E. corner of the W. S. Martin Survey No. 824. Thence W. 400 vrs. another corner of said Martin Survey. Thence S. 300 vrs. a corner of Levi Fowler Survey. Thence W. 540 vs. to the S. W. corner of said Fowler Survey. Thence N. 50 vs. the S. E. corner of the Joshua Woody Survey No. 72. Thence W. 540 vs. the S. W. corner of said Woody Survey. Thence S. 39° 22' W. 3945 vs. the N. E. corner of the Edward E. Williams survey 2869 vs. to the place of beginning, comprising the following surveys, and parts of surveys, to wit:

Edward E. Williams Survey No. 260, Abst. No. 945, 2390 acres; Levi James Survey No. 261, Abst. No. 1839, 14 acres; Jefferson Barton, Abst. No. 1837, 20 acres; M. W. Smith, Survey No. 255, Abst. No. 833, 320 acres; Geo. W. Herriek Survey No. 256, Abst. No. 425, 516 acres; Alfred D. Lowe Survey No. 250, Abst. No. 548 640 acres; John H. Love Survey No. 254, Abst. No. 562, 320 acres; John H. Love Survey No. 258, Abst. No. 561, 640 acres; James Wormsley Survey No. 257, Abst. No. 958, 404 acres; Mateas Silva Survey No. 261, Abst. 778, 1777 acres; W. H. Fowler Survey No. 1634, Abst. No. 1838, 34 acres; Prosper Hope Survey No. 257; Abst. 1486, 35 acres; John Webb Survey No. 253, Abst. 963, 191 acres; J. C. Pierce Abst. No. 1323, 160 acres; Francisco Cavillo Abst.

No. 176, 38½ acres; Temple O. Shugart Abst. No. 1337, 3 acres; T. & N. O. R. Co. Survey No. 3, Abst. No. 917, Cert. No. 1000, 320 acres; Robert Gamble Abst. No. 1033, 128 acres, 32 acres in Blanco county; Charles R. Duncan Survey No. 1534, Abst. 1573, 119 acres; James H. Johnson Survey No. 16, Abst. No. 477, 4605 acres; James Cooper Survey No. 262, Abst. 175, 1161 acres; James Carr Survey No. 261, Abst. 194, 320 acres; T. & N. O. R. Co. Survey No. 1, Abst. 918, 320 acres; C. F. Burton Survey No. 2, Abst. 1756, 320 acres, 80 acres in Blanco county, T. & N. O. Ry. Co.; P. M. Yett Survey No. 1, Abst. No. 1020, 320 acres; Henry S. Smith Survey No. 2, Abst. 834, 320 acres; Maria C. Salinas Survey No. 15, Abst. 775, 1592 acres; W. D. Yett Survey No. 1302, Abst. 1286, 193½ acres; Samuel Craig Survey No. 569, Abst. 197, 160 acres; W. S. Martin Survey No. 824, Abst. 622, 160 acres; Pt. Wm. Roberts Survey No. 13, Abst. 714, 1327 acres; Pt. A. Giesecke Survey No. 124, Abst. 1819, 358 acres, 281 acres in Blanco county; Pt. E. Rutledge Abst. No. 1526, 275 acres; Pt. S. M. & S. Survey No. 92, Abst. 1531, 465 acres, mostly in Blanco county; Pt. Carl Grelle Survey No. 4, Abst. 1720, 233 acres, 87 acres in Blanco county; Pt. Carl Grelle Survey No. 400, Abst. 1719, 495 acres, 145 acres in Blanco county; Pt. Ernest Goeth Survey No. 304, about 211 acres; Pt. R. F. Lewis Survey No. 330, Abst. 1813, 514.8 acres, all in Blanco county; Pt. A. Middleton Survey No. 203, Abst. 1526, 29 acres; Joshua Fowler Survey No. 251, Abst. 326, 640 acres; John C. Hyde Survey No. 252, Abst. 426, 640 acres; J. N. Crawford part Survey No. 304, Abst. 1833, 230.7 acres, 29.7 acres in Blanco county; Henry Hollingsworth part Survey No. 330, Abst. 1846, 40 acres.

Sec. 2. The management and control of the public free schools of said Spicewood Independent District is hereby vested in a board of trustees that shall be composed of seven persons who are resident citizens and qualified voters within said district. The trustees of the Rockvale District No. 21 as same has heretofore been organized under the general laws of this State, are hereby continued in office until the expiration of their respective terms and their successors shall be elected as is provided by general laws for the election of trustees in independent school districts organized for school purposes only.

Sec. 3. The said Spicewood Independent

School District, heretofore known as the Rockvale District No. 21, as created by this act, shall have and exercise and is hereby vested with all of the rights, powers, privileges and duties of a town incorporated under the general laws of this State for free school purposes only, and a board of trustees of the said Spicewood Independent School District shall have and exercise all of the rights, powers, privileges and duties conferred and imposed by the general laws of Texas upon the trustees of independent school districts incorporated under the general laws of the State for free school purposes only.

Sec. 4. The crowded condition of the calendar and the importance of this measure, create an emergency and an imperative public necessity requiring the suspension of the constitutional rule that bills be read on three several days and the said rule is hereby suspended, and this act shall take effect and be in force from and after its passage, and it is so enacted.

Amend the caption to House bill No. 622 to read as follows:

"A bill to be entitled 'An Act to create the Spicewood Independent School District in Burnet county, Texas, including the present Rockvale District No. 21 of said county; providing a board of trustees therefor, vesting said independent school district and board of trustees with all the rights, powers, privileges and duties conferred upon independent school districts incorporated under the general laws of Texas; providing that the board of trustees of the present Rockvale District No. 21 shall continue to act as such until their successors are elected in accordance with the general laws of Texas, and declaring an emergency.'"

The amendments were severally adopted.

House bill No. 622 was then finally passed by the following vote:

Yeas—106.

Abney.	Carpenter
Atkinson.	of Matagorda.
Avis.	Carson.
Baker of Orange.	Carter of Coke.
Barker.	Carter of Hays.
Beasley.	Coffee.
Bird.	Cowen.
Blount.	Crawford.
Bonham.	Culp.
Bryant.	Davenport.
Burmeister.	Davis.
Cable.	DeBerry.

Dielmann.	Mathes.
Dodd.	Maxwell.
Driggers.	Melson.
Duffey.	Merritt.
Dunlap.	Miller.
Dunn.	Morgan
Durham.	of Liberty.
Edwards.	Morgan
Faubion.	of Robertson.
Fields.	Pate.
Finlay.	Patman.
Gipson.	Patterson.
Greer.	Perdue.
Hardin of Erath.	Pinkston.
Harrington.	Pool.
Harris.	Potter.
Henderson	Quaid.
of Marion.	Rice.
Henderson	Rogers.
of McLennan.	Rountree.
Hendricks.	Rowland.
Houston.	Russell of Trinity.
Howeth.	Sackett.
Hughes.	Sanford.
Irwin.	Satterwhite.
Jacks.	Shearer.
Jennings.	Shires.
Johnson.	Stevens.
Jones.	Storey.
Lackey.	Stroder.
Laird.	Sweet.
Lamb.	Teer.
Lane.	Thompson.
LeMaster.	Turner.
LeStourgeon.	Wallace.
Lewis.	Wells.
Loftin.	Westbrook.
McDaniel.	Wessels.
McDonald.	Williamson.
McFarlane.	Wilmans.
McKean.	Wilson.
McNatt.	Young.
Martin.	

Absent.

Amsler.	Montgomery.
Arnold.	Moore.
Baker of Milam.	Pope.
Barrett.	Price.
Bell.	Purl.
Bobbitt.	Quinn.
Collins.	Robinson.
Covey.	Russell
Downs.	of Callahan.
Fugler.	Simpson.
Green.	Smith.
Hardin	Sparkman.
of Kaufman.	Stewart
Hull.	of Edwards.
Kemble.	Stewart of Reeves.
Looney.	Thrasher.
McBride.	Vaughan.
Merriman.	

Absent—Excused.

Baldwin. Brady.

Carpenter	Stell.
of Dallas.	Stewart of Jasper.
Chitwood.	Stiernberg.
Dinkle.	Strickland.
Frnka.	Winfree.
Lusk.	

HOUSE BILL NO. 424 ON SECOND READING.

The Speaker laid before the House, as a special order for this time, on its second reading and passage to engrossment,

H. B. No. 424, A bill to be entitled "An Act amending the statutes relative to elections, primary elections and nominating conventions; amending Article 3093, Revised Civil Statutes, as amended, relative to primary elections and nominating conventions, so as to better provide for voting and participating in primary elections; amending Article 2956, Revised Civil Statutes, so as to safeguard the issuance and use of poll tax receipts; amending Article 2939, Revised Civil Statutes, as amended, so as to prevent fraud and irregularity under the absentee voting law in primary elections; amending Article 3084, Revised Civil Statutes, so as to require all political parties casting ten thousand votes or more at the last general election to nominate candidates for office by primary election; making it unnecessary for judges, clerks or supervisors to reside in the precinct; restricting the use of injunctions in preventing performance of duty under the laws relative to elections, primary elections and nominations of candidates; requiring the Secretary of State to certify certain nominations; amending Article 3129, Revised Civil Statutes, so as to require the preservation of ballot boxes and investigating the ballots; prescribing an oath for executive committeemen and judges, clerks and supervisors in primary elections in order to assure affiliation with the political party for which said committeemen or officers act, and declaring an emergency."

The bill was read second time.

Mr. Davenport offered the following (committee) amendment to the bill:

Amend House bill No. 124 by striking out all below the enacting clause and inserting in lieu thereof the following:

Section 1. That Article 2939 of the Revised Civil Statutes of the State of Texas of 1911, as amended by Section 1 of Chapter 40 of the General Laws of the State of Texas, passed at the First

Called Session of the Thirty-fifth Legislature, be and the same is hereby amended so as to read as follows:

Article 2939. Qualifications for Voting; Voting by Absentees.—Every male person subject to none of the foregoing disqualifications who shall have attained the age of twenty-one years, and who shall be a citizen of the United States, and who shall have resided in this State one year next preceding an election, and the last six months within the district or county in which he offers to vote shall be deemed a qualified elector; and every male person of foreign birth, subject to none of the foregoing disqualifications, who has, not less than six months before an election in which he offers to vote, declared his intention to become a citizen of the United States, in accordance with the Federal naturalization laws, and shall have resided in the State one year next preceding such election and the last six months in the county in which he offers to vote, shall also be deemed a qualified voter; and all electors shall vote in the voting precinct of their residence; provided that the electors living in an unorganized county may vote at an election precinct in the county to which such county is attached for judicial purposes; and provided further, that any voter who is subject to pay his poll tax under the laws of the State of Texas or ordinances of any city or town in this State, shall have paid tax before he offers to vote at any election in this State, and holds a receipt showing the payment of his poll tax before the first day of February next preceding such election; and, if he is exempt from paying a poll tax and resides in a city of ten thousand inhabitants or more, he must procure a certificate showing his exemption, as required by this, or, if such voter shall have lost or misplaced his tax receipt, he shall be entitled to vote upon making affidavit before any officer authorized to administer oaths that such tax was actually paid by him before said first day of February next preceding such election at which he offers to vote, and that said receipt had been lost. Such affidavit shall be made in writing and left with the judge of the election. Provided that in any election held only in a subdivision of a county for the purpose of determining any local question or proposition affecting only such subdivision of the county, then, in addition to the foregoing qualifications, the voter must have resided

in such subdivision of the county for six months next preceding such election.

Any qualified elector as defined by the statutes of this State, who expects to be absent from the county of his residence, and at any other place in this State on the day of his election may vote subject to the following conditions, to wit:

At some time not more than ten days nor less than four days prior to the date of such election such elector shall make his personal appearance before the county clerk of the county of his residence, and if personally unknown to such clerk shall be identified by at least two reputable citizens of such county and shall deliver to such clerk his poll tax receipt or exemption certificate entitling him to vote at such election, and said clerk shall deliver to such elector one ballot which has been prepared in accordance with the law for the use in such election which shall then and there be marked by said elector apart and without the assistance or suggestions of any other person, in such as said elector shall desire same to be voted, which ballot shall be folded and placed in a sealed envelope and delivered to said clerk who shall keep same so sealed and who shall also keep said poll tax receipt or certificate open to the inspection of any person who may wish to examine or see same until the second day prior to said election, and said clerk shall on said second day place the said poll tax receipt or certificate together with the said envelope containing said marked ballot in another envelope which shall be by said clerk then mailed to the presiding judge of the voting precinct in which said elector lives. The postage for the entire correspondence herein made necessary to be provided by said elector. The county clerk shall at least three days before the election post a full and complete list of the names of all persons who have cast absentee ballots under the foregoing provisions of this act in some conspicuous place which shall be accessible to and open to the inspection of any and all persons whomsoever for any and all purposes whatsoever, and said clerk shall point out and exhibit said list to any and all persons desiring to see the same. Said list, in addition to stating the names of said absentee voters, shall also state the postoffice of each of such voters respectively, the precinct in which their respective ballots are to be cast and, if the voter lives in a city or town, then

the street address and house number shall also be given. Said list shall be certified to by the said county clerk as being a true and correct list of all absentee voters, with their respective addresses and shall be signed by said clerk officially under his seal. When the absentee ballots to be cast at any box are mailed to the presiding judges of the respective voting precincts there shall be enclosed a copy of said full and complete list of absentee voters, and no ballot found among the absentee ballots cast by a person whose name is not on said certified list shall be counted, but said ballot shall be absolutely void for any and all purposes.

In the presence of the election officers provided by law and on the day of such election and between the hours of 2 and 3 o'clock the said presiding judge of same in the precinct of the residence of said elector shall open the envelope containing said poll tax receipts marked ballots and publicly announce that the ballot of such named elector is proposed to be cast, at which time any person who desires to challenge said vote and the right of same to be cast shall be heard to present such challenge and if there be no challenge of same said vote shall be cast and counted according to the law; but if there be any challenge of such vote legal cause same shall be heard and decided according to the law provided in the case of challenge; and in case no challenge is made such poll tax receipt, after same is marked "voted" as provided by law, shall be mailed back to the said county clerk. But in case of challenge, if challenged, such poll tax receipt together with affidavits relating thereto shall be mailed by said judge of election to the county clerk of such county, who shall keep same for thirty days and if no demand be made for the production of same before any body or person in authority within such time, said county clerk shall deliver such receipt to the owners thereof. When voted the judge of election shall mark opposite the name of such absentee voter the word "absentee," provided this act shall apply to any and all primary elections only.

Sec. 2. That Article 2949 of the Revised Civil Statutes of the State of Texas of 1911 be and the same is hereby amended so as to read as follows:

Article 2949. Poll Tax Receipt Shall Show What.—Each poll tax receipt and its duplicate shall show the name of the party for whom it was issued, the pay-

ment of the tax, age, his race, the name of the political party of which he is a member, the length of time he has resided in the county, the voting precinct in which he lives, except when he lives in an unorganized county, his occupation, his postoffice address, or, if he lives in an incorporated city, ward, street and number of his residence, if numbered, and the length of time he has resided in such city or town.

Sec. 3. That Article 2950 of the Revised Civil Statutes of the State of Texas of 1911 be and the same is hereby amended so as to read as follows:

Article 2950. Poll Tax Receipt, Form of.—The poll tax receipt shall be in the following form, and numbered consecutively in each book provided for in this title.

Poll Tax Receipt.

No.....

State of Texas, County of.....
Received of.....on the....day of....
A. D. 19.....

The said taxpayer, being duly sworn by me, says that he is....years old, that he resides in voting precinct No.....in.....county, that his race is...., that he is a citizen of the United States, that he has resided in Texasyears, and in county years, that he is by occupation, that his postoffice address is, (if in an incorporated city or town, a blank must be provided for the ward, street and number of residence in lieu of his postoffice address and length of time he has resided in such city or town, and that he is a member of the party.

All of which I certify.

(Seal.)

(Signed)

Tax Collector,County, Texas.

Sec. 4. That Article 2953 of the Revised Civil Statutes of the State of Texas of 1911 be and the same is hereby amended so as to read as follows:

Article 2953. Exemption Certificate in Cities Over 10,000; Requisites, etc.; Form.—Every person who is exempted by law from the payment of a poll tax and who is in other respects a qualified voter, who resides in a city of ten thousand inhabitants or more, shall, after the first day of October and before the first day of February following, before he offers to vote, obtain from the tax collector of the county of his residence a certificate showing his exemption from the payment of a poll tax. Such exempt person shall, on oath, state his name, .

county of his residence, occupation, race, age, the name of the political party of which he is a member, that he is a citizen of the United States, the length of time he has resided in Texas, the length of time he has resided in the county and the length of time he has resided in the city, and the ward and voting precinct in which his residence is located, the street and number of his residence, if numbered. He shall also state the grounds on which he claims exemption from the payment of a poll tax. Such certificate shall be detached from said book, leaving thereunder a duplicate carbon or other copy thereof which shall contain the same description; and the original shall be delivered, bearing its proper number, to the citizen in person to identify him in voting. Certificates of exemption for each precinct shall be numbered consecutively, beginning at one.

They shall be in the following form:

Certificate of Exemption From Poll Tax.

No.

State of Texas, County of

I, Tax Collector for said county, Texas, do hereby certify that..... personally appeared before me on the ... day of A. D., and being sworn, said his name is, that his race is, that he is years old, that his occupation is, that he is a member of the..... party, that he is a citizen of the United States, that he has resided in Texas for years, in the county of for years, and in the city of for years, that he now resides in precinct No., in ward No., and on street, and in house No. (if numbered); that he is exempt from the payments of the poll tax by reason of, and that he is a qualified voter under the Constitution and laws of Texas.

(Seal.) (Signed)

Tax Collector, County, Texas.

Sec. 5. That Article 2956 of the Revised Civil Statutes of the State of Texas of 1911 be and the same is hereby amended so as to read as follows:

Article 2956. Poll Tax Receipt etc., Books, Furnished by Commissioners to Collectors; Requisites.—The commissioners court of each county shall, before the first day of October every year, furnish to the county tax collector a blank book for each voting precinct, which shall be marked with the name and number of the precinct for which it is intended. Each book shall contain a

sufficient number of blank poll tax receipts for each voting precinct not in a city of ten thousand inhabitants or more, and not exceeding three hundred and fifty blank poll tax receipts and certificates of exemption for each precinct in a city of ten thousand inhabitants or more, of which not more than sixty shall be certificates of exemptions, and a greater or less number of each in the same proportion when sufficient for the voters of the precinct. Each receipt and certificate shall, in each such book, be bound immediately over a duplicate copy thereof; which duplicate copy, when filled out, shall correspond with the receipt or certificate in its number, the name, length of residence in the State or county, the voting precinct, race, political party, citizenship, occupation and postoffice address of the citizen to whom the tax receipt or certificate of exemption is given. If the voting is in a city, the receipt or certificate and duplicate must show the ward, street and number, if numbered, of the citizen's residence (in lieu of postoffice address); and the length of time he has resided in such city. The receipts and certificates shall be numbered in consecutive order. Similar blank books of poll tax receipts shall be furnished to each unorganized county attached to such county for judicial purposes, except that the voting precinct need not appear therein. When the tax receipt or certificate is delivered to the citizen, it shall be detached from the book and retained by him for his future use and identification in voting.

Sec. 6. That Article 2961 of the Revised Civil Statutes of the State of Texas of 1911 be and the same is hereby amended so as to read as follows:

Article 2961. Lists of Poll Taxpayers, etc., Furnished by Collector to Board, and by Board to Judges; Requisites.—Before the first day of April every year, the county collector of taxes shall deliver to the board that is charged with the duty of furnishing election supplies separate certified lists of the citizens in each precinct who have paid their poll tax or received their certificates of exemption, the names being arranged in alphabetical order, and to each name its appropriate number, as shown by the duplicates retained in his office, with a description of the voter as to his residence, his voting precinct, length of his residence in the state and county, his race, the name of the political party to which he belongs, occupation and postoffice address if not in a city of more

than ten thousand inhabitants. If the county has any unorganized county or counties attached to it for judicial purposes, the collector of taxes shall also deliver to said board, before the first day of April of each year, as many certified lists of the electors resident in such unorganized county or counties who have paid their poll tax or received the certificate of exemption as there are election precincts in his county; which lists shall be identical with those of poll taxpayers in his own county, except that the voting precinct shall not be stated. The tax collector of any county containing a town or city of more than ten thousand inhabitants shall also furnish to said board, not less than four days prior to any primary or general election supplemental lists in the form herein prescribed of all poll taxpaying voters who have, since paying their poll tax, removed to each voting precinct in each such city or town in the county from another county or in another precinct in the same county. Said board shall furnish each presiding judge of a precinct the certified list and supplemental list of the voters of his precinct at the time when he furnished other election supplies. Such certified lists of qualified voters shall be in the following forms:

No.
 Name
 Precinct
 Age
 Political Party
 Length of Residence in the State.....
 Length of Residence in County.....
 Occupation
 Race
 Length of Residence in City and Ward
 Street and No. of Residence.....
 Postoffice Address

Sec. 7. That Article 3084 of the Revised Civil Statutes of the State of Texas of 1911 be, and the same is, hereby amended to read as follows:

Article 3084. Candidates of Parties of 50,000 Votes and Over to be Nominated by Primary Election.—On primary election day in 1924, and every two years thereafter, candidates for Governor and for all other State offices to be chosen by a vote of the entire State and candidates for Congress and all district offices to be chosen by the votes of any district comprising

more than one county, to be nominated by each organized political party that cast fifty thousand votes or more at the last general election, shall, together with all candidates for offices to be filled by the voters of a county, or of a portion of a county, be nominated in primary elections by the qualified voters of such party, and all primary elections of all parties shall be held on the same day.

Sec. 8. That Article 3089 of the Revised Civil Statutes of the State of Texas of 1911 be, and the same is, hereby amended so as to read as follows:

Article 3089. Officers, Etc., of Primary Election; Appointment and Qualifications.—All the precinct primary elections of a party shall be conducted by a presiding judge, to be appointed by a chairman of the county executive committee of the party, with the assistance and approval of at least a majority of the members of the county executive committee. Such presiding judge shall select an associate judge and two clerks to assist in conducting the election; two supervisors may be chosen by any one-fourth of the party candidates, who, with the judges and clerks, shall take the oath required of such officers in general election. Two additional clerks may be appointed, but only when, in the opinion of the presiding judge, there will be more than one hundred votes polled at the primary election in the precinct. No one shall serve as judge, clerk or supervisor at a primary election unless he has paid his poll tax, provided that any member of the county executive committee of the party may nominate candidates for presiding judges of the different precincts, the same as chairman of the county executive committee and further provided, that when any such nomination is made by any member of said committee the nomination shall be placed before the committee by the chairman, or in event he fails or refuses so to do, such nomination may then be placed before the committee by the person making the same and a vote of the committee thereon taken; and in all cases the persons elected by said committee shall be appointed by the chairman, or in the event that he fails or refuses to make such appointment then the appointments may be made by the committee as a whole, and such persons may be notified of their appointment by the secretary of the committee

or any member thereof; and provided further, that it shall not be necessary for the person appointed as judge, clerk or supervisor of any precinct primary election to be a resident of the precinct in which he is to serve.

Sec. 9. That Article 3093 of the Revised Civil Statutes of the State of Texas of 1911, as amended by Section 1 of Chapter 60 of the General Laws of the State of Texas, passed at the Fourth Called Session of the Thirty-fifth Legislature, be, and the same is, hereby amended so as to read as follows:

Article 3093. Qualifications for Voting; Poll Tax.—No person shall vote in any primary election or convention unless he is a citizen of the United States, of this State, and has paid his poll tax or obtained his certificate of exemption from its payment, in cases where such certificate is required, before the first of February next preceding, which fact must be ascertained by the officers conducting the primary election by an inspection of the certified lists of qualified voters of the precinct, and of the poll tax receipts or certificates of exemption; nor shall he vote in any primary election except in the voting precinct of his residence; provided that if this receipt or certificate be lost or misplaced, or inadvertently left at home, that fact must be sworn by the party offering to vote; and provided further, that the requirements as to presentation of the poll tax receipt, certificate of exemption or affidavit shall apply only to cities of ten thousand population or over as shown by the last United States census; provided that the State executive committee of any political party which holds a primary election may prescribe, and it is hereby made its duty to prescribe, such additional qualifications for voters in such primaries as will exclude any one from participating in any primary who does not belong to the party holding such primary, and the qualifications so prescribed by said State executive committee shall be uniform throughout the State and shall be applied and enforced by any and all county executive committees of such party throughout the State, and provided further, that county executive committees are hereby prohibited from prescribing any other different or additional qualifications from those prescribed by the State executive committee, but shall observe fully all the

tests and qualifications prescribed by said State executive committee.

This act shall not be held or construed to repeal or in any way limit or restrict the right of women to vote in primary elections or conventions given them by any law enacted at the Fourth Called Session of the Thirty-fifth Legislature.

All laws or parts of laws in conflict herewith are repealed.

Sec. 10. That Article 3107 of the Revised Civil Statutes of the State of Texas of 1911, be and the same is hereby amended so as to read as follows:

Article 3107. County Executive Committee, County and Precinct Chairman, Elected at Primary, etc.—There shall be for each political party required by this law to hold primary elections for nomination of its candidates, a county executive committee, to be composed of one member from each voting or justice precinct in such county, as the party executive committee may direct, the members of which county executive committee as well as the county chairman and a precinct chairman for each voting or justice precinct, as the case may be, shall be elected by the qualified voters of the county on primary election day; provided that in case of any vacancy occurring in the office of chairman, county or precinct, or any member of such committee, such vacancy shall be filled by a majority vote of all the other members of said executive committee.

Sec. 11. That Section 3129 of the Revised Civil Statutes of the State of Texas of 1911, be and the same is hereby amended so as to read as follows:

Article 3129. Boxes and Ballots: Disposition of.—Ballot boxes after being used in primary elections shall be returned with the ballots cast or contained in each box as they were deposited by the election judges, locked and sealed, to the county clerk, and unless there be a contest for nomination in which fraud or illegality is charged they shall be unlocked and unsealed by the county clerk and their contents destroyed by the county clerk and the county judge without examination of any ballot at the expiration of six months after such primary election.

Sec. 12. That Article 3130 of the Revised Civil Statutes of the State of Texas of 1911, be and same is hereby amended so as to read as follows:

Article 3130. County Clerk to Publish, etc., Nominees.—The county clerk

shall cause the names of the candidates who have received the necessary vote to nominate, as directed by the county executive committee for each office, to be printed in some newspaper published in the county, and if no newspaper be published in a county then he shall post a list of such names in at least five public places in the county, one of which shall be upon the door of the court house in said county, provided that the name of any person shall not be included among the names of candidates so published or posted who has not received a sufficient vote to nominate him to the office for which he was a candidate, as declared by the executive committee of the county, and such list of names so published or posted shall be certified by the county clerk under his name and seal of office, as being a true and correct list of all candidates who have received the necessary vote to nominate them respectively.

Sec. 13. That Article 3131 of the Revised Civil Statutes of the State of Texas of 1911, be and the same is hereby amended so as to read as follows:

Article 3131. Objections to Nomination to be Made Within Ten Days.—All objections to the regularity or validity of the nomination of any person whose name appears in said list shall be made within ten days after such printing or posting, by a notice in writing filed with the county clerk, setting forth the grounds of objections. In case no such objection is filed within time prescribed the regularity or validity of the nomination of no person whose name is printed or posted shall be thereafter contested.

Sec. 14. That Article 3116 of the Revised Civil Statutes of the State of Texas of 1911, be and the same is hereby amended so as to read as follows:

Article 3116. List of Voters Furnished to be Used in Primary, etc.—The county tax collector shall deliver to the chairman of the county executive committee of each political party for its use in primary elections, at least five days before the election day, certified lists of the qualified voters of each precinct in the county, arranged alphabetically and by precincts, who have paid their poll tax or received certificates of exemption; and said list of voters shall have written or printed after each name thereon the name of the political party to which such voters belong respectively as shown by the duplicate copy of the poll tax receipt of such persons respectively, and a person who has so declared

himself to belong to one political party shall not be allowed to vote in the primary election of any other party, and it shall be the duty of such chairman to place the same in the hands of the election officers of each election precinct before the polls are open; and no primary election shall be legal unless such list is obtained and used for reference during the election. For each list of all the qualified voters of the county who have paid their poll taxes and received their certificates of exemption the collector shall be permitted to charge not more than five dollars, the same to be paid by the party or its chairman so ordering said lists; provided, that the charge of five dollars shall be in full for the certified lists of all the voters of the county arranged by precincts, as above provided.

Sec. 15. That Article 3118 of the Revised Civil Statutes of the State of Texas of 1911, be and the same is hereby amended so as to read as follows:

Article 3118. Precaution to Secure Purity of Ballot.—The same precautions required by law to secure the purity of the ballot box in general elections shall in all respects apply in full to all primary elections and especially shall they apply in regard to the ballot boxes, locking the ballot boxes, sealing the same, watchful care of them and the secrecy in preparing the ballot in the booth or places prepared for voting; and specifying certain particulars in which the laws of general elections shall be applied to primary elections shall not be held or construed to prevent the application of such laws of general elections in full and in every particular to primary elections in the manner and for the purpose stated in this section of this act.

Sec. 16. The importance of this act creates an emergency and an imperative public necessity demanding the suspension of the constitutional rule requiring bills to be read on three several days in each house and that this act shall be in force and take effect from and after its passage, and said rule is hereby suspended, and it is so enacted.

Mr. Davenport offered the following amendment to the amendment:

Amend House bill No. 424 (committee) amendment No. 1, strike out all of beginning line 19, page 12, down to and including line 9, page 15, and renumber succeeding sections consecutively.

The amendment to the amendment was adopted.

Mr. Hardin of Kaufman offered the following amendment to the amendment:

Amend Article 2949, page 15, by striking out the words "the name of the political party of which he is a member."

Mr. Davenport moved to table the amendment.

Yeas and nays were demanded and the motion to table prevailed by the following vote:

Yeas—87.

Abney.	Lewis.
Arnold.	McBride.
Avis.	McDonald.
Baker of Milam.	McFarlane.
Baker of Orange.	McNatt.
Barker.	Maxwell.
Barrett.	Melson.
Beasley.	Merriman.
Bell.	Miller.
Bird.	Montgomery.
Bonham.	Moore.
Burmeister.	Morgan
Carpenter	of Liberty.
of Matagorda.	Morgan
Carson.	of Robertson.
Carter of Coke.	Pinkston.
Carter of Hays.	Pool.
Coffee.	Price.
Cowen.	Purl.
Crawford.	Quaid.
Culp.	Quinn.
Davenport.	Robinson.
Davis.	Rogers.
DeBerry.	Rountree.
Dielmann.	Russell
Dodd.	of Callahan.
Downs.	Russell of Trinity.
Driggers.	Sanford.
Duffey.	Satterwhite.
Dunn.	Shearer.
Durham.	Shires.
Edwards.	Simpson.
Faubion.	Smith.
Fields.	Sparkman.
Fugler.	Stevens.
Hardin of Erath.	Stewart of Reeves.
Henderson	Stroder.
of Marion.	Sweet.
Henderson	Teer.
of McLennan.	Thrasher.
Howeth.	Turner.
Hughes.	Wells.
Irwin.	Westbrook.
Kemble.	Wessels.
Lackey.	Williamson.
Lamb.	Wilmans.
LeMaster.	Wilson.
LeStourgeon.	

Nays—16.

Amsler. Bryant.

Finlay.	Mathes.
Hardin	Merritt.
of Kaufman.	Perdue.
Harris.	Stewart of Jasper.
Hendricks.	Storey.
Houston.	Vaughan.
Laird.	Young.
McDaniel.	

Present—Not Voting.

Jennings.

Absent.

Atkinson.	Looney.
Blount.	McKean.
Bobbitt.	Martin.
Cable.	Pate.
Collins.	Patman.
Covey.	Patterson.
Dunlap.	Pope.
Gipson.	Potter.
Green.	Rice.
Greer.	Rowland.
Harrington.	Sackett.
Hull.	Stewart
Jacks.	of Edwards.
Johnson.	Thompson.
Jones.	Wallace.
Lane.	Winfree.
Loftin.	

Absent—Excused.

Baldwin.	Frnka.
Brady.	Lusk.
Carpenter	Stell.
of Dallas.	Stiernberg.
Chitwood.	Strickland.
Dinkle.	

Mr. Burmeister offered the following amendment to the amendment:

Amend (committee) amendment on page 19 of printed bill on line 9, by striking out the figures "50,000" wherever they appear in this section and insert "10,000."

The amendment was adopted.

The (committee) amendment as amended was then adopted.

Mr. Davenport offered the following amendment to the bill:

Amend caption, House bill No. 424, page 24, by striking out all after the semi-colon, line 5, down to and including semi-colon, line 15.

The amendment was adopted.

Mr. Dielmann offered the following amendment to the bill:

Amend the (committee) amendment to House bill No 424, page 20, by adding in line 36 after the word "may" the following: "before the first day of January of the year in which such election is to be held."

The amendment was adopted.
House bill No. 424 was then passed to engrossment.

HOUSE BILL NO. 424 ON THIRD READING.

Mr. Davenport moved that the constitutional rule requiring bills to be read on three several days be suspended and that House bill No. 424 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—96.

Mr. Speaker.	Lackey.
Amsler.	Lamb.
Arnold.	Lane.
Avis.	LeMaster.
Baker of Milam.	LeStourgeon.
Baker of Orange.	Lewis.
Baldwin.	Loftin.
Barker.	McBride.
Beasley.	McDonald.
Bird.	McFarlane.
Blount.	McNatt.
Bobbitt.	Martin.
Bonham.	Maxwell.
Brady.	Melson.
Bryant.	Merriman.
Burmeister.	Miller.
Carpenter	Montgomery.
of Matagorda.	Moore.
Carson.	Morgan
Carter of Coke.	of Liberty.
Carter of Hays.	Morgan
Chitwood.	of Robertson.
Coffee.	Patterson.
Collins.	Pinkston.
Covey.	Pool.
Cowen.	Potter.
Crawford.	Price.
Culp.	Purl.
Davenport.	Quaid.
DeBerry.	Quinn.
Dodd.	Rice.
Driggers.	Robinson.
Duffey.	Rogers.
Dunlap.	Rountree.
Dunn.	Rowland.
Durham.	Russell
Edwards.	of Callahan.
Faubion.	Russell of Trinity.
Fields.	Sackett.
Gipson.	Sanford.
Greer.	Satterwhite.
Hardin of Erath.	Shearer.
Henderson	Shires.
of Marion.	Simpson.
Howeth.	Sparkman.
Hughes.	Stewart of Jasper.
Hull.	Stewart of Reeves.
Irwin.	Storey.
Johnson.	Stroder.
Kemble.	Sweet.

Teer.
Thrasher.
Turner.
Wells.

Westbrook.
Williamson.
Wilmans.
Young.

Nays—22.

Barrett.	Houston.
Bell.	Jennings.
Cable.	McDaniel.
Davis.	Mathes.
Downs.	Merritt.
Finlay.	Patman.
Hardin	Perdue.
of Kaufman.	Stevens.
Harrington.	Thompson.
Harris.	Vaughan.
Henderson	Wallace.
of McLennan.	Wessels.

Absent.

Abney.	Jones.
Atkinson.	Laird.
Carson.	Looney.
Covey.	McKean.
Culp.	Pate.
Dielmann.	Pope.
Fugler.	Smith.
Green.	Stewart
Hendricks.	of Edwards.
Jacks.	Wilson.

Absent—Excused.

Brady.	Lusk.
Carpenter	Stell.
of Dallas.	Stiernberg.
Chitwood.	Strickland.
Dinkle.	Winfree.
Frnka.	

The Speaker then laid House bill No. 424 before the House on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—89.

Amsler.	Cowen.
Arnold.	Crawford.
Avis.	Davenport.
Baker of Milam.	DeBerry.
Baker of Orange.	Dielmann.
Barker.	Dodd.
Beasley.	Driggers.
Bird.	Duffey.
Blount.	Dunlap.
Bobbitt.	Dunn.
Bonham.	Durham.
Burmeister.	Edwards.
Carpenter	Fields.
of Matagorda.	Fugler.
Carter of Coke.	Gipson.
Carter of Hays.	Greer.
Coffee.	Hardin of Erath.
Collins.	

Henderson of Marion.	Pool.
Howeth.	Potter.
Hughes.	Price.
Hull.	Purl.
Irwin.	Quinn.
Lackey.	Rice.
Lamb.	Robinson.
Lane.	Rogers.
LeMaster.	Rountree.
Lewis.	Rowland.
Loftin.	Russell
McBride.	of Callahan.
McDonald.	Russell of Trinity.
McFarlane.	Sackett.
McKean.	Sanford.
McNatt.	Shearer.
Martin.	Shires.
Maxwell.	Simpson.
Melson.	Sparkman.
Merriman.	Stewart of Jasper.
Miller.	Storey.
Montgomery.	Stroder.
Moore.	Sweet.
Morgan	Teer.
of Liberty.	Thrasher.
Morgan	Turner.
of Robertson.	Wells.
Patterson.	Williamson.
Pinkston.	Wilmans.

Nays—23.

Barrett.	Jennings.
Bell.	Laird.
Cable.	McDaniel.
Davis.	Mathes.
Downs.	Merritt.
Finlay.	Patman.
Hardin	Perdue.
of Kaufman.	Thompson.
Harrington.	Vaughan.
Harris.	Wallace.
Henderson	Westbrook.
of McLennan.	Wessels.
Houston.	Young.

Present—Not Voting.

Bryant.

Absent.

Abney.	LeSturgeon.
Atkinson.	Looney.
Carson.	Pate.
Covey.	Pope.
Culp.	Quaid.
Faubion.	Satterwhite.
Green.	Smith.
Hendricks.	Stevens.
Jacks.	Stewart
Johnson.	of Edwards.
Jones.	Stewart of Reeves.
Kemble.	Wilson.

Absent—Excused.

Baldwin.	Carpenter
Brady.	of Dallas.

Chitwood.	Stell.
Dinkle.	Stiernberg.
Frnka.	Strickland.
Lusk.	Winfree.

Reason For Vote.

This bill compels all county executive committees to accept qualifications dictated by the State executive committee of all parties. This eliminates county control.

YOUNG.

MESSAGE FROM THE SENATE.

Senate Chamber,
Austin, Texas, March 2, 1923.

Hon. R. E. Seagler, Speaker of the
House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has requested the House to return House bill No. 33 to the Senate for further consideration.

The Senate has passed the following bills:

S. B. No. 269, A bill to be entitled "An Act to amend Title 37 of the Revised Civil Statutes of the State of Texas, entitled 'Courts—District and County—Practice in' by adding thereto Chapter 12a relating to procedure in civil district courts in counties having two or more district courts with civil jurisdiction only and whose terms continue three months or longer," with engrossed riders.

S. B. No. 270, A bill to be entitled "An Act to amend subdivisions 11, 55, 61 and 80 of Article 30 of Title 5 of the Revised Civil Statutes of the State of Texas, which subdivisions relate to the district courts of the Eleventh, Fifty-fifth, Sixty-first and Eightieth Judicial Districts of Texas, and fixing the terms and prescribing the jurisdiction and procedure of said courts and allowing compensation to the clerk of the Eighth Judicial District Court in Harris county," with engrossed riders.

S. B. No. 197, A bill to be entitled "An Act to amend Section 1 of an act passed by the Thirty-fourth Legislature of Texas and approved March 22, 1915, creating the Ninth Supreme Judicial District of Texas, the same being Chapter 70 of the Acts of the Regular Session of the Thirty-fourth Legislature, and to create the Tenth Supreme Judicial District of Texas, and to provide for the organization of a Court of Civil Appeals within the said Tenth Supreme Judicial Dis-

trict, and to repeal all laws in conflict herewith, and declaring an emergency."

S. B. No. 377, A bill to be entitled "An Act designating the lands acquired by the State of Texas under the provisions of Chapter 3, General Laws, passed at the First Called Session of the Thirty-fourth Legislature, as 'The Washington State Park'; providing for the creation of a commission to be known as 'The Washington State Park Commission'; charging said commission and the State Board of Control with the joint duty of preserving, protecting, improving and beautifying said park, and declaring an emergency."

Respectfully,
RICHARD BLALOCK,
Assistant Secretary of the Senate.

REQUEST OF SENATE GRANTED.

On motion of Mr. Irwin, the request of the Senate asking the return of House bill No. 33 for further consideration was granted.

HOUSE BILL NO. 294 WITH SENATE AMENDMENTS.

Mr. Satterwhite called up from the Speaker's table, with Senate amendments, for consideration of the amendments,

H. B. No. 294, A bill to be entitled "An Act to reorganize the Forty-sixth and Forty-seventh Judicial Districts and to create the Ninety-third Judicial District of the State of Texas and for the appointment of the district judge and district attorney for said Ninety-third Judicial District; providing for holding the district courts and the terms thereof in the Forty-sixth, Forty-seventh and Ninety-third Judicial Districts, respectively, and providing that all process and writs heretofore issued, and all recognizances and bonds heretofore made and executed and returnable to existing terms of district court in the counties composing said districts, together with jurors heretofore selected are valid and returnable to the first term of such court after this act takes effect, and providing for the continuation of the existing district courts in said counties in session when this act takes effect, to the end of their terms; repealing all conflicting laws, and declaring an emergency."

The Speaker laid the bill before the House, and the Senate amendments were read.

Mr. Satterwhite moved that the House do not concur in the Senate amendments, and that a free conference committee be requested to adjust the differences between the two houses on the bill.

The motion prevailed.

In accordance with the above action, the Speaker announced the appointment of the following committee on the part of the House: Messrs. Storey, Bryant, Young, Satterwhite and Mathes.

SPECIAL ORDER SET.

Mr. Shires moved that Senate bill No. 54 be set as a special order for 3 o'clock p. m. today.

Mr. Satterwhite raised a point of order on consideration of the motion on the ground that under the rules of the House a special order must be set for a future date.

The Speaker overruled the point of order.

Question then recurring on the motion for the special order, it prevailed.

HOUSE BILL NO. 134 WITH SENATE AMENDMENTS.

Mr. Coffee called up from the Speaker's table, with Senate amendments, for consideration of the amendments,

H. B. No. 134, A bill to be entitled "An Act to amend Article 383 of the Revised Civil Statutes of Texas of 1911, relating to the occupation taxes based upon gross receipts of individuals, companies, corporations and associations engaged in the business of producing oil from oil wells in the State, as amended by Chapter 77 of the Acts of the Thirty-sixth Legislature of the State of Texas at its Regular Session; repealing Article 7383a, as enacted by the Thirty-sixth Legislature, so that hereafter said Article 7383 shall read as follows, and declaring an emergency."

The Speaker laid the bill before the House, and the Senate amendments were read.

Mr. Coffee moved that the House do not concur in the Senate amendments, and that a free conference committee be requested to adjust the differences between the two houses on the bill.

Mr. Hardin of Kaufman moved that the House do concur in the Senate amendments.

Mr. Laird moved to table the motion of Mr. Hardin of Kaufman that the

House do concur in the Senate amendments.

Yeas and nays were demanded, and the motion to table prevailed by the following vote:

Yeas—78.

Abney.	Jones.
Amsler.	Kemble.
Arnold.	Laird.
Avis.	McBride.
Baker of Milam.	McDaniel.
Baker of Orange.	McDonald.
Barrett.	McNatt.
Beasley.	Martin.
Bird.	Mathes.
Bonham.	Melson.
Bryant.	Merritt.
Cable.	Miller.
Carpenter	Moore.
of Matagorda.	Morgan
Carson.	of Robertson.
Carter of Coke.	Patman.
Carter of Hays.	Pinkston.
Coffee.	Pope.
Crawford.	Potter.
Culp.	Quaid.
Davenport.	Rice.
Davis.	Robinson.
DeBerry.	Rogers.
Dodd.	Rountree.
Driggers.	Rowland.
Duffey.	Sackett.
Dunn.	Sanford.
Durham.	Satterwhite.
Edwards.	Shearer.
Finlay.	Simpson.
Fugler.	Sparkman.
Gipson.	Stevens.
Greer.	Stewart of Jasper.
Hardin of Erath.	Sweet.
Harris.	Teer.
Henderson	Wallace.
of Marion.	Wells.
Hendricks.	Westbrook.
Houston.	Wilson.
Howeth.	Young.
Jennings.	

Nays—28.

Bobbitt.	Maxwell.
Burmeister.	Merriman.
Collins.	Morgan
Covey.	of Liberty.
Dielmann.	Patterson.
Dunlap.	Purl.
Hardin	Russell
of Kaufman.	of Callahan.
Henderson	Russell of Trinity.
of McLennan.	Smith.
Hughes.	Storey.
Lamb.	Stroder.
Lewis.	Vaughan.
Loftin.	Wessels.
McFarlane.	Wilmans.
McKean.	

Absent.

Atkinson.	LeMaster.
Barker.	LeSturgeon.
Bell.	Looney.
Blount.	Montgomery.
Cowen.	Pate.
Downs.	Perdue.
Faubion.	Pool.
Fields.	Price.
Green.	Quinn.
Harrington.	Shires.
Hull.	Stewart of Reeves.
Irwin.	Thompson.
Jacks.	Thrasher.
Johnson.	Turner.
Lackey.	Williamson.
Lane.	

Absent—Excused.

Baldwin.	Lusk.
Brady.	Stell.
Carpenter	Stewart
of Dallas.	of Edwards.
Chitwood.	Stiernberg.
Dinkle.	Strickland.
Frnka.	Winfree.

Question recurring on the motion of Mr. Coffee, yeas and nays were demanded.

The motion to not concur prevailed by the following vote:

Yeas—99.

Abney.	Dunn.
Amsler.	Durham.
Arnold.	Edwards.
Atkinson.	Fields.
Baker of Milam.	Finlay.
Baker of Orange.	Fugler.
Barrett.	Gipson.
Beasley.	Greer.
Bird.	Hardin of Erath.
Blount.	Harrington.
Bonham.	Harris.
Bryant.	Henderson
Cable.	of Marion.
Carpenter	Henderson
of Matagorda.	of McLennan.
Carson.	Hendricks.
Carter of Coke.	Houston.
Carter of Hays.	Howeth.
Coffee.	Jennings.
Collins.	Jones.
Cowen.	Kemble.
Crawford.	Laird.
Culp.	Lane.
Davenport.	LeMaster.
Davis.	Lewis.
DeBerry.	McBride.
Dinkle.	McDaniel.
Dodd.	McDonald.
Downs.	McFarlane.
Driggers.	McNatt.
Duffey.	Martin.
Dunlap.	Mathes.

Melson.	Sackett.
Merritt.	Sanford.
Miller.	Satterwhite.
Moore.	Shearer.
Morgan	Simpson.
of Robertson.	Sparkman.
Patman.	Stevens.
Perdue.	Stewart of Jasper.
Pinkston.	Stroder.
Pool.	Sweet.
Pope.	Teer.
Potter.	Thompson.
Price.	Vaughan.
Quaid.	Wallace.
Rice.	Wells.
Robinson.	Westbrook.
Rogers.	Wilmans.
Rountree.	Wilson.
Rowland.	Young.
Russell of Trinity.	

Nays—21.

Bobbitt.	Merriman.
Burmeister.	Morgan
Covey.	of Liberty.
Dielmann.	Patterson.
Hardin	Purl.
of Kaufman.	Russell
Hughes.	of Callahan.
Lackey.	Smith.
Lamb.	Storey.
Loftin.	Wessels.
McKean.	Williamson.
Maxwell.	

Absent.

Avis.	LeSturgeon.
Barker.	Looney.
Bell.	Montgomery.
Faubion.	Pate.
Green.	Quinn.
Hull.	Shires.
Irwin.	Stewart of Reeves.
Jacks.	Thrasher.
Johnson.	Turner.

Absent—Excused.

Baldwin.	Stell.
Brady.	Stewart
Carpenter	of Edwards.
of Dallas.	Stiernberg.
Chitwood.	Strickland.
Frnka.	Winfree.
Lusk.	

(Mr. Satterwhite in the chair.)

HOUSE BILL NO. 434 ON
ENGROSSMENT.

The Speaker laid before the House, as unfinished business, on its passage to engrossment,

H. B. No. 434, A bill to be entitled "An Act providing for the creation of

the office of county superintendent of public instruction; providing for the election of a county superintendent; prescribing qualifications of the person holding the office; providing for filling vacancies in the office and specifically repealing Article 2750, Revised Statutes, 1911, and any part of the act of the Thirty-sixth Legislature, Third Called Session, Chapter 57, and any other law or parts of law which may be in conflict herewith, and declaring an emergency."

The bill having heretofore been read second time.

Mr. Moore offered the following amendment to the bill:

Amend House bill No. 434, Section 1, line 34, by striking out the words: "county board of trustees," and insert in lieu thereof the words "commissioners court of such county."

Mr. Simpson offered the following substitute for the amendment:

Amend House bill No. 434 by striking out Section 1 and inserting the following:

Section 1. That Article 2750, Chapter 12, Title 48 of the Revised Civil Statutes of the State of Texas, 1911, be so amended as hereafter to read as follows:

Article 2750. The office of the county superintendent of public instruction is hereby created and the county school trustees of every county in this State having three thousand scholastic population or more as shown by the preceding scholastic census, shall on the first Monday in July, 1924, and every two years thereafter on that date appoint a county superintendent of public instruction. In all those counties in which the county superintendents were elected in the general election in November, 1922, they may hold the office until the 31st day of December, 1924. In case of a vacancy in the office in any such county by death, resignation or removal before the 31st day of December, 1924, the said trustees shall immediately appoint a superintendent in such county. The appointment of such superintendents may be for two years or less, but after 1924 the terms except in case of appointments to fill vacancies shall run from first day of the fiscal year. The person appointed superintendent shall be one of educational attainment, good moral character, executive ability, not less than twenty-one years of age, shall have had at least three years' experience as a teacher, shall be the holder of a

permanent State certificate, shall be physically able to attend to all the duties of the position as now or may be hereafter prescribed by law, and who shall be provided by the commissioners court with an office in the court house and with office furniture and fixtures, and with such books and stationery as is furnished to other county officials. Immediately after this act becomes a law in every county in which no county superintendent of public instruction was elected in 1922 and in which census of 1922 shows 3000 scholastics or more, the county school trustees shall appoint a superintendent for the period until the beginning of the next fiscal year. The county superintendents appointed under this section shall perform the same duties and receive the same salaries which county superintendents are now receiving, provided the county school trustees shall have the right and are hereby authorized to supplement the salaries out of the available school funds of the districts under the supervision of the said trustees and provided before any supplement to the salary becomes effective same must have the approval of the State Superintendent of Public Instruction. In all cases of vacancy in the office of superintendent so appointed caused by death, resignation or removal the county trustees shall immediately appoint a successor. The county trustees shall have the power and are hereby given the authority to remove the superintendent so appointed by them for inefficiency, incompetency, neglect of duty or for any cause involving moral turpitude, and in case a request in writing for the resignation of such superintendent is not granted then the board shall prefer charges in writing against such superintendent and have a public hearing on same, and if, in the judgment of the board, they are sustained, such superintendent shall be removed and a successor immediately appointed.

(Speaker in the chair.)

Question—Shall the substitute for the amendment be adopted?

ADDRESS BY ADJUTANT GENERAL THOMAS D. BARTON.

In accordance with a resolution heretofore adopted providing for Adjutant General Thomas D. Barton to address the House at 11:55 o'clock a. m. today, the Speaker announced the appointment of the following committee to escort

Hon. Thomas D. Barton to the Speaker's stand:

Messrs. Rountree, Jones, Quaid and Purl.

The committee having performed their duty, Speaker Seagler presented Mr. Rountree, who in turn introduced Hon. Thomas D. Barton.

Hon. Thomas D. Barton then addressed the House.

At the conclusion of the address by General Barton, the Declaration of Independence of Texas was read to the House by the Clerk.

MESSAGE FROM THE SENATE.

Senate Chamber,
Austin, Texas, March 2, 1923.

Hon. R. E. Seagler, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has passed

S. B. No. 341, A bill to be entitled "An Act to provide a complete educational system commonly known as the county unit system, to be adopted by the respective counties of this State; providing for a special election to be called for the adoption of the system herein provided for; setting forth the general administration of the schools of such counties under a county board of education; providing for the election of such county board of education, defining their respective powers and duties and stating their qualifications, number to be elected, time and place of meeting of such board; providing for holding of elections in counties adopting the provisions of this act, authorizing the county boards herein provided for to make a levy for school taxes in any rate not to exceed one (\$1) dollar on the one hundred (\$100) dollar valuation of taxable property in the county as assessed for other county and State taxes; providing for a treasurer for the county school funds, fixing his bond and prescribing his duties; providing for the appointment of a county superintendent of education, fixing his qualifications and duties; prescribing that a general system of classifying and grading all schools in such county shall be adopted; providing for the regulation of the schools as to sanitation and equipment; providing for the creation of districts for the enforcement of the State compulsory attendance law; providing for a system of reports to be required by

the county board of education and the State superintendent, and declaring an emergency."

S. B. No. 240, A bill to be entitled "An Act to amend Title 11, Chapter 6a, Article 588 1-2 pp. of the Penal Code of the State of Texas so as to provide for the violation of said chapter, same being the Statewide Intoxicating Liquor Prohibition Law, and declaring an emergency."

S. J. R. No. 10. Proposing an amendment to Section 51 of Article 3 of the Constitution of the State of Texas to provide that the Legislature may grant pensions to Confederate soldiers, sailors and their widows who have been citizens of Texas since prior to January 1, 1910; providing that all soldiers, sailors and their widows eligible under the provisions hereof shall be entitled to be placed upon the rolls and to participate in the pension fund created hereunder; levying a tax of seven (\$.07) cents on the \$100 valuation of property in this State for the payment of said pension; providing that the Legislature may reduce the rate of pension for such purposes; fixing a time for the election to be held on such amendment, and making an appropriation to pay the expenses thereof.

Respectfully,

RICHARD BLALOCK,
Assistant Secretary of the Senate.

SENATE BILLS ON FIRST READING.

The following Senate bills were laid before the House, read severally first time, and referred to the appropriate committees, as follows:

Senate bill No. 197, to the Judiciary Committee.

Senate bill No. 240, to the Committee on Liquor Traffic.

Senate bill No. 269, to the Judiciary Committee.

Senate bill No. 341, to the Committee on Education.

Senate bill No. 377, to the Committee on State Affairs.

Senate bill No. 270, to the Judiciary Committee.

Senate joint resolution No. 10, to the Committee on Constitutional Amendments.

RECESS.

On motion of Mr. Satterwhite, the House, at 12:10 o'clock p. m., took recess to 2 o'clock p. m. today.

AFTERNOON SESSION.

The House met at 2 o'clock p. m. and was called to order by the Speaker.

SENATE BILL NO. 377 ON SECOND READING.

On motion of Mr. Patman, by unanimous consent, the regular order of business was suspended to take up and have placed on its second reading and passage to third reading.

S. B. No. 377, A bill to be entitled "An Act designating the lands acquired by the State of Texas under the provisions of Chapter 3, General Laws, passed at the First Called Session of the Thirty-fourth Legislature, as 'The Washington State Park'; providing for the creation of a commission to be known as 'The Washington State Park Commission'; charging said commission and the State Board of Control with the joint duty of preserving, protecting, improving and beautifying said park, and declaring an emergency."

The Speaker laid the bill before the House, it was read second time and was passed to third reading.

SENATE BILL NO. 377 ON THIRD READING.

Mr. Patman moved that the constitutional rule requiring bills to be read on three several days be suspended and that Senate bill No. 377 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—101.

Mr. Speaker.	DeBerry.
Abney.	Dielmann.
Amsler.	Dodd.
Arnold.	Downs.
Atkinson.	Driggers.
Avis.	Duffey.
Baker of Milam.	Dunlap.
Barker.	Dunn.
Bell.	Edwards.
Bird.	Fields.
Blount.	Finlay.
Bryant.	Fugler.
Burmeister.	Green.
Cable.	Hardin of Erath.
Carpenter	Hardin
of Matagorda.	of Kaufman.
Carson.	Harris.
Carter of Coke.	Henderson
Carter of Hays.	of Marion.
Covey.	Henderson
Crawford.	of McLennan.
Culp.	Houston.
Davenport.	Howeth.

Hughes.	Pope.
Irwin.	Potter.
Jacks.	Price.
Jennings.	Quaid.
Jones.	Quinn.
Kemble.	Rice.
Lackey.	Robinson.
Laird.	Rogers.
Lane.	Rowland.
LeMaster.	Russell
LeStourgeon.	of Callahan.
Lewis.	Sackett.
McDaniel.	Sanford.
McFarlane.	Shires.
McKean.	Simpson.
McNatt.	Smith.
Martin.	Sparkman.
Mathes.	Stewart of Jasper.
Maxwell.	Stewart of Reeves.
Melson.	Storey.
Merriman.	Stroder.
Miller.	Sweet.
Montgomery.	Teer.
Moore.	Thompson.
Morgan	Turner.
of Robertson.	Wells.
Pate.	Westbrook.
Patman.	Wilmans.
Patterson.	Wilson.
Perdue.	Young.
Pinkston.	

Absent.

Baker of Orange.	Looney.
Barrett.	McBride.
Beasley.	McDonald.
Bobbitt.	Merritt.
Bonham.	Morgan
Brady.	of Liberty.
Coffee.	Pool.
Collins.	Purl.
Cowen.	Rountree.
Davis.	Russell of Trinity.
Durham.	Satterwhite.
Faubion.	Shearer.
Gipson.	Stevens.
Greer.	Stewart
Harrington.	of Edwards.
Hendricks.	Thrasher.
Hull.	Vaughan.
Johnson.	Wallace.
Lamb.	Wessels.
Loftin.	Williamson.

Absent—Excused.

Baldwin.	Lusk.
Carpenter	Stell.
of Dallas.	Stiernberg.
Chitwood.	Strickland.
Dinkle.	Winfree.
Frnka.	

The Speaker then laid Senate bill No. 377 before the House on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—105.

Mr. Speaker.	Lane.
Abney.	LeMaster.
Amsler.	LeStourgeon.
Arnold.	Lewis.
Atkinson.	McDaniel.
Avis.	McDonald.
Baker of Milam.	McFarlane.
Barker.	McKean.
Bell.	McNatt.
Bird.	Martin.
Blount.	Mathes.
Bryant.	Maxwell.
Burmeister.	Melson.
Cable.	Merriman.
Carpenter	Montgomery.
of Matagorda.	Moore.
Carson.	Morgan
Carter of Coke.	of Liberty.
Carter of Hays.	Morgan
Coffee.	of Robertson.
Covey.	Pate.
Crawford.	Patman.
Davenport.	Patterson.
DeBerry.	Perdue.
Dielmann.	Pinkston.
Dodd.	Pope.
Downs.	Potter.
Driggers.	Price.
Duffey.	Quaid.
Dunlap.	Quinn.
Dunn.	Rice.
Durham.	Robinson.
Edwards.	Rogers.
Faubion.	Rountree.
Fields.	Rowland.
Finlay.	Russell
Fugler.	of Callahan.
Green.	Sackett.
Hardin of Erath.	Sanford.
Hardin	Shires.
of Kaufman.	Simpson.
Harris.	Smith.
Henderson	Sparkman.
of Marion.	Stewart of Jasper.
Henderson	Stewart of Reeves.
of McLennan.	Storey.
Houston.	Stroder.
Howeth.	Sweet.
Hughes.	Teer.
Hull.	Thompson.
Irwin.	Turner.
Jacks.	Wells.
Jennings.	Westbrook.
Kemble.	Wilmans.
Lackey.	Wilson.
Laird.	Young.

Nays—1.

Wessels.

Absent.

Baker of Orange.	Beasley.
Barrett.	Bobbitt.

Bonham.	McBride.
Brady.	Merritt.
Collins.	Miller.
Cowen.	Pool.
Culp.	Purl.
Davis.	Russell of Trinity.
Gipson.	Satterwhite.
Greer.	Shearer.
Harrington.	Stevens.
Hendricks.	Stewart
Johnson.	of Edwards.
Jones.	Thrasher.
Lamb.	Vaughan.
Loftin.	Wallace.
Looney.	Williamson.

Absent—Excused.

Baldwin.	Lusk.
Carpenter	Stell.
of Dallas.	Stiernberg.
Chitwood.	Strickland.
Dinkle.	Winfree.
Frnka.	

BILLS ORDERED NOT PRINTED.

On motion of Mr. Rogers, House bill No. 670 was ordered not printed.

On motion of Mr. Blount, House bill No. 663 was ordered not printed.

HOUSE BILL NO. 434 ON ENGROSSMENT.

The House resumed consideration of pending business, same being House bill No. 434, relating to election of county superintendents, on its passage to engrossment, with amendment by Mr. Moore and substitute for the amendment by Mr. Simpson pending.

Mr. Moore moved to table the substitute by Mr. Simpson.

Yeas and nays were demanded and the motion to table prevailed by the following vote:

Yeas—84.

Abney.	Culp.
Amsler.	DeBerry.
Arnold.	Dodd.
Atkinson.	Downs.
Avis.	Driggers.
Baker of Milam.	Duffey.
Barker.	Dunn.
Barrett.	Faubion.
Burmeister.	Fields.
Cable.	Fugler.
Carpenter	Gipson.
of Matagorda.	Green.
Carson.	Hardin of Erath.
Carter of Hays.	Harris.
Coffee.	Hendricks.
Collins.	Houston.
Covey.	Howeth.
Crawford.	Hull.

Irwin.	Robinson.
Jacks.	Rogers.
Jennings.	Rountree.
Kemble.	Rowland.
Laird.	Russell
Lamb.	of Callahan.
LeMaster.	Russell of Trinity.
Loftin.	Sanford.
McDaniel.	Satterwhite.
McDonald.	Shearer.
McNatt.	Smith.
Martin.	Sparkman.
Melson.	Stewart of Jasper.
Miller.	Sweet.
Moore.	Teer.
Morgan	Thompson.
of Liberty.	Thrasher.
Pate.	Turner.
Patterson.	Wells.
Perdue.	Westbrook.
Pinkston.	Wessels.
Pool.	Williamson.
Pope.	Wilmans.
Potter.	Wilson.
Purl.	Young.
Rice.	

Nays—20.

Bobbitt.	Lackey.
Bryant.	Lane.
Davenport.	LeSturgeon.
Dielmann.	McBride.
Durham.	McFarlane.
Edwards.	McKean.
Finlay.	Mathes.
Greer.	Morgan
Hardin	of Robertson.
of Kaufman.	Simpson.
Henderson	Stroder.
of McLennan.	

Present—Not Voting.

Bird.

Absent.

Bell.	Merritt.
Blount.	Montgomery.
Bonham.	Patman.
Carter of Coke.	Price.
Davis.	Quaid.
Dinkle.	Quinn.
Dunlap.	Sackett.
Henderson	Shires.
of Marion.	Stevens.
Hughes.	Stewart
Johnson.	of Edwards.
Jones.	Stewart of Reeves.
Looney.	Storey.
Maxwell.	Vaughan.
Merriman.	

Absent—Excused.

Baker of Orange.	Carpenter
Baldwin.	of Dallas.
Beasley.	Chitwood.
Brady.	Cowen.

Frnka.
Harrington.
Lewis.
Lusk.
Stell.

Stiernberg.
Strickland.
Wallace.
Winfree.

Sparkman.
Stewart of Jasper.
Storey.
Sweet.
Thompson.

Turner.
Wessels.
Williamson.
Wilson.

Mr. Greer moved to table the amendment by Mr. Moore.

Yeas and nays were demanded and the motion to table was lost by the following vote:

Yeas—30.

Bobbitt.	Morgan
Bryant.	of Robertson.
Carter of Hays.	Patterson.
Dielmann.	Robinson.
Dodd.	Rountree.
Durham.	Russell
Edwards.	of Callahan.
Finlay.	Russell of Trinity.
Green.	Stroder.
Greer.	Teer.
McFarlane.	Thrasher.
McKean.	Wells.
Martin.	Westbrook.
Mathes.	Wilmans.
Melson.	Young.
Pate.	

Nays—73.

Abney.	Hull.
Amsler.	Irwin.
Arnold.	Jacks.
Atkinson.	Jennings.
Baker of Milam.	Kemble.
Barker.	Laird.
Barrett.	Lamb.
Bonham.	LeMaster.
Burmeister.	LeStourgeon.
Cable.	Loftin.
Carpenter	McBride.
of Matagorda.	McDaniel.
Carson.	McDonald.
Coffee.	Maxwell.
Collins.	Miller.
Covey.	Moore.
Culp.	Morgan
DeBerry.	of Liberty.
Downs.	Patman.
Driggers.	Perdue.
Duffey.	Pinkston.
Dunn.	Pool.
Fields.	Pope.
Fugler.	Price.
Hardin of Erath.	Purl.
Hardin	Quinn.
of Kaufman.	Rice.
Harris.	Rogers.
Henderson	Rowland.
of Marion.	Sackett.
Henderson	Sanford.
of McLennan.	Satterwhite.
Hendricks.	Shearer.
Houston.	Simpson.
Howeth.	Smith.

Present—Not Voting.

Stewart of Reeves.

Absent.

Avis.	Lane.
Bell.	Looney.
Bird.	McNatt.
Blount.	Merriman.
Carter of Coke.	Merritt.
Crawford.	Montgomery.
Davenport.	Potter.
Davis.	Quaid.
Dinkle.	Shires.
Dunlap.	Stevens.
Faubion.	Stewart
Gipson.	of Edwards.
Hughes.	Vaughan.
Johnson.	Wallace.
Jones.	Winfree.
Lackey.	

Absent—Excused.

Baker of Orange.	Frnka.
Baldwin.	Harrington.
Beasley.	Lewis.
Brady.	Lusk.
Carpenter	Stell.
of Dallas.	Stiernberg.
Chitwood.	Strickland.
Cowen.	

Question next recurring on the amendment, it was adopted.

Mr. Harris offered the following amendment to the bill:

Amend House bill No. 434, Section 2, line 38, by striking out all of Section 2 and insert in lieu thereof the following:

"Sec. 2. In all counties having less than three thousand scholastic population or in counties having a scholastic population of three thousand or more and having fewer than one thousand of such population residing in districts having less than five hundred scholastics, the commissioners court may provide for the election of a county superintendent at each general election with the qualifications herein prescribed, provided that said county superintendent may devote such part of his time to the duties of his office as may be determined by the county board of trustees and shall receive for his compensation such an amount to be determined by the county school board not to exceed sixteen hundred dollars per annum. Nothing in this act shall

be construed to prevent the employment of said county superintendent for part time for the purpose of supervising the schools of any independent district located wholly or in part within the boundary of said county, and in the event of such employment a definite agreement as to duties performed shall be made at a joint meeting of the school board of the independent district and the county board of trustees."

Mr. Lackey moved the previous question on the pending amendment and the bill, and the main question was ordered.

Question recurring on the amendment by Mr. Harris, it was adopted.

FREE CONFERENCE COMMITTEE ON HOUSE BILL NO. 134.

The Speaker announced the appointment of the following Conference Committee on the part of the House on House bill No. 134:

Messrs. Coffee, Burmeister, Rountree, Harrington and Stewart of Reeves.

SENATE BILL NO. 54 ON SECOND READING.

The Speaker laid before the House, as a special order for this hour, on its second reading and passage to third reading,

S. B. No. 54, A bill to be entitled "An Act to authorize and empower The Beaumont and Great Northern Railroad to acquire, own, maintain and operate all that certain railroad heretofore owned and operated by the Missouri, Kansas and Texas Railway Company of Texas, which railroad begins at a point in the town of Trinity, in Trinity county, Texas, and extends thence in an easterly direction through and across the counties or parts of the counties of Trinity, Polk and Tyler, to a point in the town of Colmesneil, in Tyler county, Texas; together with the appurtenant franchise and property; and likewise to authorize the purchaser or purchasers thereof at foreclosure sale and any railroad corporation organized by such purchaser or purchasers under the laws of the State of Texas for the purpose of acquiring said railroad and appurtenant property and franchise or any of them, and any other owner or owners thereof, to sell, grant, convey and deliver said railroad together with all properties and franchises pertaining thereto, to said The Beaumont and

Great Northern Railroad; further to authorize The Beaumont and Great Northern Railroad to amend its charter so as to have the right hereunder to extend said railroad, and to authorize The Beaumont and Great Northern Railroad to issue, register, sell and deliver its stock and mortgage bonds, additional to such stock and mortgage bonds as it has issued in respect of properties previously owned by it, to purchase and pay for said railroad for an amount not exceeding the value of said railroad and properties so acquired as ascertained and fixed by the Railroad Commission of Texas by its order or finding, dated about June 2, 1922, such stock and such mortgage bonds to be issued, executed, registered, sold and delivered in accordance with the Railroad Stock and Bond Law of Texas, and declaring an emergency."

The bill was read second time.

Mr. Pope offered the following amendment to the bill:

Amend Senate bill No. 54 by adding at the end of line 3, page 3, House printed bill of said Senate bill the following: "Provided said line of railroad herein authorized to be so acquired, together with the franchise and property appurtenant thereto, shall at the time of such conveyance be fully discharged of any and all liabilities, damages, unsecured debts, bonds, liens and mortgages of whatsoever kind and character; and all stock and claims of stockholders in such line of railroad and franchises and property appurtenant thereto shall be canceled and be absolutely null and void."

Mr. Quinn moved the previous question on the pending amendment and the bill and the motion was not seconded.

(Pending consideration of the amendments by Mr. Pope, Mr. Price occupied the chair temporarily.)

Mr. Westbrook moved the previous question on the pending amendment, and all the amendments on the Clerk's desk, and the bill, and the main question was ordered.

Mr. Burmeister moved to reconsider the vote by which the previous question was ordered.

The motion to reconsider was lost.

Question recurring on the amendment by Mr. Pope, yeas and nays were demanded.

The amendment was lost by the following vote:

Yeas—17.

Amsler.	Pope.
Cable.	Rowland.
Crawford.	Stewart
Dielmann.	of Edwards.
Durham.	Storey.
Hardin	Thompson.
of Kaufman.	Westbrook.
Howeth.	Wilson.
McBride.	Young.
Pate.	

Nays—93.

Abney.	Lewis.
Arnold.	McDaniel.
Atkinson.	McFarlane.
Avis.	McKean.
Baker of Milam.	McNatt.
Baker of Orange.	Martin.
Barrett.	Mathes.
Bell.	Maxwell.
Bird.	Melson.
Blount.	Merriman.
Bonham.	Miller.
Bryant.	Montgomery.
Burmeister.	Moore.
Carpenter	Morgan
of Matagorda.	of Liberty.
Carson.	Morgan
Carter of Coke.	of Robertson.
Coffee.	Patterson.
Collins.	Perdue.
Dodd.	Pinkston.
Downs.	Pool.
Driggers.	Potter.
Duffey.	Price.
Dunlap.	Purl.
Dunn.	Quaid.
Faubion.	Quinn.
Fields.	Rice.
Finlay.	Robinson.
Fugler.	Rogers.
Gipson.	Rountree.
Green.	Russell
Greer.	of Callahan.
Harrington.	Russell of Trinity.
Harris.	Sackett.
Henderson	Sanford.
of McLennan.	Shearer.
Hendricks.	Shires.
Irwin.	Simpson.
Jacks.	Smith.
Jennings.	Sparkman.
Johnson.	Stevens.
Jones.	Stewart of Jasper.
Kemble.	Stroder.
Lackey.	Sweet.
Laird.	Thrasher.
Lamb.	Turner.
Lane.	Wells.
LeMaster.	Wessels.
LeStourgeon.	Wilmons.

Present—Not Voting.

DeBerry.

Absent.

Barker.	Hull.
Bobbitt.	Loftin.
Carter of Hays.	Looney.
Culp.	McDonald.
Davenport.	Merritt.
Davis.	Patman.
Edwards.	Satterwhite.
Hardin of Erath.	Stewart of Reeves.
Henderson	Teer.
of Marion.	Vaughan.
Houston.	Wallace.
Hughes.	Williamson.

Absent—Excused.

Baldwin.	Dinkle.
Beasley.	Frnka.
Brady.	Lusk.
Carpenter	Stell.
of Dallas.	Stiernberg.
Chitwood.	Strickland.
Covey.	Winfree.
Cowen.	

Mr. Pope offered the following amendment to the bill:

Amend Senate bill No. 54 by striking out all of Section 3 and inserting a new Section 3 therefor, to read as follows:

"Sec. 3. The Beaumont and Great Northern Railroad Company is hereby authorized and empowered to issue, execute, register and deliver its first lien mortgage bonds in the sum of three hundred and fifty thousand (\$350,000) dollars to cover the purchase price of said line of railroad and franchises and property appurtenant, which the Beaumont and Great Northern Railroad Company is herein authorized to acquire, which bonds shall be secured by first lien mortgage against the said line of railroad, property appurtenant and franchises authorized to be acquired hereby, and which bonds shall be issued and delivered under regulation of the Railroad Commission of Texas as is now provided by law."

Question recurring on the amendment, yeas and nays were demanded.

The amendment was lost by the following vote:

Yeas—14.

Barker.	Pope.
Cable.	Potter.
Culp.	Rowland.
Dielmann.	Shearer.
Howeth.	Westbrook.
McBride.	Wilson.
Pate.	Young.

Nays—88.

Abney.	Lane.
Amsler.	LeMaster.
Arnold.	McDaniel.
Atkinson.	McFarlane.
Avis.	McKean.
Baker of Milam.	McNatt.
Baker of Orange.	Martin.
Barrett.	Mathes.
Bell.	Maxwell.
Bird.	Melson.
Blount.	Merriman.
Bonham.	Miller.
Bryant.	Montgomery.
Burmeister.	Moore.
Carpenter	Morgan
of Matagorda.	of Liberty.
Carson.	Morgan
Carter of Coke.	of Robertson.
Coffee.	Patterson.
Collins.	Perdue.
Crawford.	Pinkston.
Dodd.	Price.
Downs.	Purl.
Driggers.	Quaid.
Duffey.	Quinn.
Dunn.	Rice.
Durham.	Robinson.
Faubion.	Rogers.
Fields.	Rountree.
Finlay.	Russell
Gipson.	of Callahan.
Green.	Russell of Trinity.
Greer.	Sackett.
Harrington.	Sanford.
Harris.	Shires.
Henderson	Simpson.
of McLennan.	Smith.
Hendricks.	Sparkman.
Irwin.	Stevens.
Jacks.	Stewart of Jasper.
Jennings.	Stroder.
Johnson.	Sweet.
Jones.	Thrasher.
Kemble.	Turner.
Lackey.	Wessels.
Laird.	Wilmans.
Lamb.	

Present—Not Voting.

DeBerry.

Absent.

Bobbitt.	Hughes.
Carter of Hays.	Hull.
Davenport.	LeSturgeon.
Davis.	Lewis.
Dunlap.	Loftin.
Edwards.	Looney.
Fugler.	McDonald.
Hardin of Erath.	Merritt.
Hardin	Patman.
of Kaufman.	Pool.
Henderson	Satterwhite.
of Marion.	Stewart
Houston.	of Edwards.

Stewart of Reeves.	Vaughan.
Storey.	Wallace.
Teer.	Wells.
Thompson.	Williamson.

Absent—Excused.

Baldwin.	Dinkle.
Beasley.	Frnka.
Brady.	Lusk.
Carpenter	Stell.
of Dallas.	Stiernberg.
Chitwood.	Strickland.
Covey.	Winfree.
Cowen.	

Mr. Pope offered the following amendment to the bill:

Amend Senate bill No. 54 by striking out all of Section 4 and inserting a new Section 4 in lieu thereof, to read as follows:

"Sec. 4. Before the Beaumont and Great Northern Railroad Company shall issue, execute and deliver said first lien mortgage bonds in the sum of three hundred and thirty thousand (\$330,000) dollars in payment of the purchase price for said railroad and franchises and property appurtenant, as authorized by the terms of this act, it shall file or cause to be filed with the Railroad Commission of the State of Texas evidence satisfactory to the commission that all stock and claims of stockholders have been cancelled and have been made null and void, and that any and all liabilities, damages, unsecured debts, bonds, liens and mortgages on said railroad and property appurtenant and franchises authorized to be acquired hereby, have been fully discharged and released."

Question recurring on the amendment, yeas and nays were demanded.

The amendment was lost by the following vote:

Yeas—16.

Amsler.	Johnson.
Cable.	McBride.
Culp.	Pate.
Dielmann.	Pope.
Durham.	Rowland.
Faubion.	Westbrook.
Finlay.	Wilson.
Howeth.	Young.

Nays—85.

Abney.	Baker of Orange.
Arnold.	Barker.
Atkinson.	Barrett.
Avis.	Bell.
Baker of Milam.	Bird.

Blount.	Maxwell.
Bonham.	Melson.
Bryant.	Merriman.
Burmeister.	Miller.
Carpenter	Montgomery.
of Matagorda.	Moore.
Carson.	Morgan
Carter of Coke.	of Liberty.
Coffee.	Morgan
Collins.	of Robertson.
Crawford.	Patterson.
Dodd.	Perdue.
Downs.	Pinkston.
Driggers.	Potter.
Duffey.	Price.
Dunn.	Purl.
Fields.	Quaid.
Gipson.	Quinn.
Green.	Rice.
Greer.	Robinson.
Harrington.	Rogers.
Harris.	Rountree.
Henderson	Russell
of McLennan.	of Callahan.
Hendricks.	Russell of Trinity.
Hull.	Sackett.
Irwin.	Sanford.
Jacks.	Shearer.
Jones.	Shires.
Kemble.	Simpson.
Lackey.	Smith.
Laird.	Sparkman.
Lamb.	Stewart of Jasper.
Lane.	Stroder.
LeMaster.	Sweet.
McDaniel.	Thrasher.
McKean.	Turner.
McNatt.	Wells.
Martin.	Wessels.
Mathes.	Wilmons.

Present—Not Voting.

DeBerry. Stevens.

Absent.

Bobbitt.	Loftin.
Carter of Hays.	Looney.
Covey.	McDonald.
Davenport.	McFarlane.
Davis.	Merritt.
Dunlap.	Patman.
Edwards.	Pool.
Fugler.	Satterwhite.
Hardin of Erath.	Stewart
Hardin	of Edwards.
of Kaufman.	Stewart of Reeves.
Henderson	Storey.
of Marion.	Teer.
Houston.	Thompson.
Hughes.	Vaughan.
Jennings.	Wallace.
LeSturgeon.	Williamson.
Lewis.	

Absent—Excused.

Baldwin. Beasley.

Brady.	Frnka.
Carpenter	Lusk.
of Dallas.	Stell.
Chitwood.	Stiernberg.
Cowen.	Strickland.
Dinkle.	Winfree.

Mr. Pope offered the following amendment to the bill:

Amend Senate bill No. 54 by striking out all of Section 5 and inserting in lieu thereof a new Section 5, to read as follows:

"Sec. 5. The Beaumont and Great Northern Railroad Company is hereby authorized to amend its charter under the general laws of Texas so that it shall have the right of extending its present line of railroad or the line of railroad herein authorized to be acquired, and nothing herein contained shall be construed to prohibit the Beaumont and Great Northern Railroad Company from issuing, executing, registering, selling and delivering such additional of its corporate stock and mortgage bonds against the Beaumont and Great Northern Railroad extending from the town of Weldon, in Houston county, Texas, to the town of Livingston, in Polk county, Texas, and against any extensions thereof hereafter made, in such sum as may be hereafter authorized by the Railroad Commission of Texas under the laws of the State of Texas, for the purpose of making additions, betterments and extensions thereof; and nothing herein contained shall be construed to prohibit the Beaumont and Great Northern Railroad Company from issuing such additional of its corporate stock and mortgage bonds against the line of railroad herein authorized to be acquired by it or any extensions thereof hereafter made in such sum as may be hereafter authorized by the Railroad Commission of Texas under the laws of the State of Texas, for the purpose of making additions, betterments and extensions thereof."

Question recurring on the amendment, yeas and nays were demanded.

The amendment was lost by the following vote:

Yeas—16.

Barker.	Faubion.
Cable.	Johnson.
Crawford.	McBride.
Culp.	Pate.
Dielmann.	Pope.
Durham.	Rowland.

Thompson.	Wilson.	McDonald.	Stewart of Reeves.
Westbrook.	Young.	McFarlane.	Storey.
Nays—84		Merritt.	Teer.
Abney.	McNatt.	Patman.	Vaughan.
Amsler.	Martin.	Pool.	Wallace.
Atkinson.	Mathes.	Satterwhite.	Williamson.
Avis.	Maxwell.	Stewart	
Baker of Milam.	Melson.	of Edwards.	
Baker of Orange.	Merriman.	Absent—Excused.	
Barrett.	Miller.	Baldwin.	Dinkle.
Bell.	Montgomery.	Beasley.	Frnka.
Bird.	Moore.	Brady.	Lusk.
Blount.	Morgan	Carpenter	Stell.
Bonham.	of Liberty.	of Dallas.	Stiernberg.
Burmeister.	Morgan	Chitwood.	Strickland.
Carpenter	of Robertson.	Cowen.	Winfree.
of Matagorda.	Patterson.	Question recurring on the passage of	
Carson.	Perdue.	the bill to third reading, yeas and nays	
Carter of Coke.	Pinkston.	were demanded.	
Coffee.	Potter.	Senate bill No. 54 was passed to third	
Collins.	Price.	reading by the following vote:	
Dodd.	Purl.	Yeas—96.	
Downs.	Quaid.	Abney.	Hendricks.
Driggers.	Quinn.	Amsler.	Hull.
Duffey.	Rice.	Arnold.	Irwin.
Dunn.	Robinson.	Atkinson.	Jacks.
Fields.	Rogers.	Avis.	Jennings.
Finlay.	Rountree.	Baker of Milam.	Johnson.
Gipson.	Russell	Baker of Orange.	Jones.
Green.	of Callahan.	Barker.	Kemble.
Greer.	Russell of Trinity.	Barrett.	Lackey.
Harrington.	Sackett.	Bell.	Laird.
Henderson	Sanford.	Blount.	Lamb.
of McLennan.	Shearer.	Bonham.	Lane.
Hendricks.	Shires.	Burmeister.	LeMaster.
Hull.	Simpson.	Carpenter	Lewis.
Irwin.	Smith.	of Matagorda.	McBride.
Jacks.	Sparkman.	Carson.	McDaniel.
Jones.	Stevens.	Carter of Coke.	McKean.
Kemble.	Stewart of Jasper.	Coffee.	McNatt.
Lackey.	Stroder.	Collins.	Martin.
Laird.	Sweet.	Crawford.	Mathes.
Lamb.	Thrasher.	DeBerry.	Melson.
Lane.	Turner.	Dodd.	Merriman.
LeMaster.	Wells.	Downs.	Miller.
LeStourgeon.	Wessels.	Driggers.	Montgomery.
McDaniel.	Wilmans.	Duffey.	Moore.
McKean.		Dunlap.	Morgan
Present—Not Voting.		Dunn.	of Liberty.
DeBerry.	Howeth.	Faubion.	Morgan
Absent.		Fields.	of Robertson.
Arnold.	Hardin	Finlay.	Perdue.
Bobbitt.	of Kaufman.	Gipson.	Pinkston.
Bryant.	Harris.	Green.	Potter.
Carter of Hays.	Henderson	Greer.	Price.
Covey.	of Marion.	Hardin	Purl.
Davenport.	Houston.	of Kaufman.	Quaid.
Davis.	Hughes.	Harrington.	Quinn.
Dunlap.	Jennings.	Harris.	Rice.
Edwards.	Lewis.	Henderson	Robinson.
Fugler.	Loftin.	of Marion.	Rogers.
Hardin of Erath.	Looney.	Henderson	Rountree.
		of McLennan.	

Russell	Stevens.
of Callahan.	Stewart of Jasper.
Russell of Trinity.	Stroder.
Sackett.	Sweet.
Sanford.	Thrasher.
Satterwhite.	Turner.
Shearer.	Wells.
Shires.	Westbrook.
Simpson.	Wessels.
Smith.	Wilmans.
Sparkman.	Young.

Nays—12.

Bird.	Maxwell.
Cable.	Pate.
Dielmann.	Pope.
Durham.	Rowland.
Howeth.	Thompson.
Loftin.	Wilson.

Present—Not Voting.

Bryant.

Absent.

Bobbitt.	McFarlane.
Carter of Hays.	Merritt.
Covey.	Patman.
Culp.	Patterson.
Davenport.	Pool.
Davis.	Stewart
Edwards.	of Edwards.
Fugler.	Stewart of Reeves.
Hardin of Erath.	Storey.
Houston.	Teer.
Hughes.	Vaughan.
LeSturgeon.	Wallace.
Looney.	Williamson.
McDonald.	

Absent—Excused.

Baldwin.	Dinkle.
Beasley.	Frnka.
Brady.	Lusk.
Carpenter	Stell.
of Dallas.	Stiernberg.
Chitwood.	Strickland.
Cowen.	Winfree.

SENATE BILL NO. 54 ON THIRD READING.

Mr. Shires moved that the constitutional rule requiring bills to be read on three several days be suspended and that Senate bill No. 54 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—102.

Abney.	Baker of Milam.
Amsler.	Baker of Orange.
Arnold.	Barker.
Atkinson.	Barrett.
Avis.	Bell.

Bird.	McKean.
Blount.	McNatt.
Bonham.	Martin.
Bryant.	Mathes.
Burmeister.	Melson.
Carpenter	Merriman.
of Matagorda.	Miller.
Carson.	Moore.
Carter of Coke.	Morgan
Coffee.	of Liberty.
Collins.	Morgan
Crawford.	of Robertson.
DeBerry.	Patterson.
Dielmann.	Perdue.
Dodd.	Pinkston.
Downs.	Potter.
Driggers.	Price.
Duffey.	Purl.
Dunlap.	Quaid.
Dunn.	Quinn.
Durham.	Rice.
Faubion.	Robinson.
Fields.	Rogers.
Finlay.	Rountree.
Gipson.	Russell
Green.	of Callahan.
Greer.	Russell of Trinity.
Hardin	Sackett.
of Kaufman.	Sanford.
Harrington.	Satterwhite.
Henderson	Shearer.
of McLennan.	Shires.
Hendricks.	Simpson.
Hull.	Smith.
Irwin.	Sparkman.
Jacks.	Stevens.
Jennings.	Stewart of Jasper.
Johnson.	Storey.
Jones.	Stroder.
Kemble.	Sweet.
Lackey.	Thrasher.
Laird.	Turner.
Lamb.	Wells.
Lane.	Westbrook.
LeMaster.	Wessels.
LeSturgeon.	Wilmans.
Lewis.	Wilson.
McBride.	Young.
McDaniel.	

Nays—5.

Cable.	Pate.
Howeth.	Pope.
Maxwell.	

Absent.

Bobbitt.	Houston.
Carter of Hays.	Hughes.
Culp.	Loftin.
Davenport.	Looney.
Davis.	McDonald.
Edwards.	McFarlane.
Fugler.	Merritt.
Hardin of Erath.	Montgomery.
Harris.	Patman.
Henderson	Pool.
of Marion.	Rowland.

Stewart of Edwards.	Thompson.
Stewart of Reeves.	Vaughan.
Teer.	Wallace.
	Williamson.

Absent—Excused

Baldwin.	Dinkle.
Beasley.	Frnka.
Brady.	Lusk.
Carpenter of Dallas.	Stell.
Chitwood.	Stiernberg.
Covey.	Strickland.
Cowen.	Winfree.

The Speaker then laid Senate bill No. 54 before the House on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—102.

Mr. Speaker.	Hull.
Abney.	Irwin.
Amsler.	Jacks.
Arnold.	Jennings.
Atkinson.	Johnson.
Avis.	Jones.
Baker of Milam.	Kemble.
Baker of Orange.	Lackey.
Barker.	Laird.
Barrett.	Lamb.
Bell.	Lane.
Bird.	LeMaster.
Blount.	LeStourgeon.
Bonham.	Lewis.
Burmeister.	McBride.
Carpenter	McDaniel.
of Matagorda.	McDonald.
Carson.	McKean.
Carter of Coke.	McNatt.
Coffee.	Martin.
Collins.	Mathes.
DeBerry.	Maxwell.
Downs.	Melson.
Driggers.	Merriman.
Duffey.	Miller.
Dunlap.	Montgomery.
Dunn.	Moore.
Edwards.	Morgan
Faubion.	of Liberty.
Fields.	Morgan
Finlay.	of Robertson.
Gipson.	Patterson.
Green.	Perdue.
Greer.	Pinkston.
Hardin	Potter.
of Kaufman.	Price.
Harrington.	Purl.
Harris.	Quaid.
Henderson	Quinn.
of Marion.	Rice.
Henderson	Robinson.
of McLennan.	Rogers.
Hendricks.	Rountree.

Rowland.	Stevens.
Russell	Stewart of Jasper.
of Callahan.	Storey.
Russell of Trinity.	Stroder.
Sackett.	Sweet.
Sanford.	Thrasher.
Satterwhite.	Turner.
Shearer.	Wells.
Shires.	Westbrook.
Simpson.	Wessels.
Smith.	Wilmans.
Sparkman.	Young.

Nays—9.

Cable.	Pate.
Crawford.	Pope.
Dielmann.	Thompson.
Durham.	Wilson.
Howeth.	

Present—Not Voting

Bryant.	Dodd.
	Absent.
Bobbitt.	Loftin.
Carter of Hays.	Looney.
Chitwood.	McFarlane.
Covey.	Merritt.
Cowen.	Patman.
Culp.	Pool.
Davenport.	Stewart
Davis.	of Edwards.
Dinkle.	Stewart of Reeves.
Frnka.	Teer.
Fugler.	Vaughan.
Hardin of Erath.	Wallace.
Houston.	Williamson.
Hughes.	

Absent—Excused.

Baldwin.	Lusk.
Beasley.	Stell.
Brady.	Stiernberg.
Carpenter	Strickland.
of Dallas.	Winfree.

Mr. Henderson of McLennan moved to reconsider the vote by which the bill was passed and to table the motion to reconsider.

The motion to table prevailed.

MESSAGE FROM THE SENATE.

Senate Chamber,
Austin, Texas, March 2, 1923.

Hon. R. E. Seagler, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has passed

H. B. No. 254, A bill to be entitled "An Act fixing in counties having a population in excess of one hundred and

fifty thousand inhabitants the compensation of district attorneys and providing for the appointment of assistant district attorneys, investigators, stenographers, deputies and other employes, and providing for their salaries and the manner of their payment, and repealing all laws in conflict herewith, with exceptions, and declaring an emergency."

S. B. No. 256, A bill to be entitled "An Act creating an educational survey commission to make a thorough survey of the public educational system of the State; providing for its selection by a survey committee, designated in this act; designating the number of members of said educational survey commission, providing for its organization, and prescribing the qualifications of a majority of the members thereof; providing for a complete report of the findings and recommendations of the educational survey commission to be made to the Governor and Legislature by December 1, 1924; providing for the employment by the educational survey commission of a survey secretary and staff of assistants to make a survey of the school system of the State; providing that the educational survey commission and its employes shall have access to all public records and providing a penalty for the violation of this provision of this act; appropriating the sum of \$50,000, or as much thereof as may be necessary, to defray the expenses of the proposed educational survey, and prescribing the manner of its disbursement, and declaring an emergency."

S. B. No. 271, A bill to be entitled "An Act to repeal an act approved May 27, 1915, and an act amendatory thereof, approved April 2, 1918, being respectively Chapter 5 of the General Laws of Texas passed at the First Called Session of the Thirty-fourth Legislature, and Chapter 45 of the General Laws of the Thirty-fifth Legislature, relative to the business of co-operative savings and contract loan companies."

S. B. No. 349 A bill to be entitled "An Act providing that all fees remitted by county superintendents to the State Department of Education for teachers' examinations authorized in Section 7, Chapter 129, of the General Laws of the Regular Session of the Thirty-seventh Legislature; also all fees remitted to the State Department of Education by conductors of summer nor-

mal institutes, and also any other fees collected by the State Department of Education for any purpose whatsoever, shall be paid to the State Treasurer, and providing that such fees shall be appropriated and expended by the Legislature from time to time, and declaring an emergency."

The Senate has granted the request of the House for a free conference committee on House bill No. 134, and the following are appointed on behalf of the Senate: Senators Cousins, Darwin, Davis, Stewart and Pollard.

Respectfully,

RICHARD BLALOCK,
Assistant Secretary of the Senate.

SPECIAL ORDER SET.

On motion of Mr. Burmeister, House bill No. 452 was set as a special order for 11 o'clock tomorrow.

HOUSE BILL NO. 434 ON ENGROSSMENT.

The House resumed consideration of pending business, same being House bill No. 434, relating to county superintendent of public schools, on its passage to engrossment.

The previous question having been ordered on the bill.

Mr. Moore, by unanimous consent, offered the following amendments to the bill:

Amend House bill No. 434, page 2, line 33, by striking out the words "county board of trustees" and insert in lieu thereof the words "commissioners court of such county."

Amend House bill No. 434, page 2, between lines 37 and 38, by adding a new section to be known as Section 4a, which shall read as follows:

Sec. 4a. In the event the superintendent of public instruction of any county in Texas, during the term of his election, absents himself from such county for a continuous period of thirty (30) days or more without the consent of three-fourths of the members of the commissioners court of such county; or if the superintendent of public instruction of any county in Texas, during his term of election, accepts other and additional employment from which he receives regular and continuous remuneration, in either such case the office of superintendent of public instruction in such county shall automatically become vacant, and such vacancy shall be im-

mediately filled by the commissioners court of such county in the same manner and under the same limitations as vacancies for all other county and precinct offices are filled; provided that the provisions of this section shall not apply in those counties where the county superintendent of public instruction is employed to "devote such part of his time to the duties of his office as may be determined by the county board of trustees and the commissioners court of such county," as provided in Section 2 of this act.

The amendments were severally adopted.

House bill No. 434 was then passed to engrossment.

Mr. Moore moved to reconsider the vote by which the bill was passed to engrossment and to table the motion to reconsider.

The motion to table prevailed.

RELATING TO CONSIDERATION OF LOCAL BILLS.

On motion of Mr. Stewart of Reeves, by unanimous consent, the House set 2 o'clock p. m. tomorrow for consideration of local bills.

RECESS.

Mr. LeSturgeon moved that the House recess to 7:30 o'clock p. m. today.

Mr. Lackey moved that the House recess to 10 o'clock a. m. tomorrow.

Mr. Miller moved that the House adjourn until 10 o'clock a. m. tomorrow.

Mr. Rogers moved that the House recess to 9 o'clock a. m. tomorrow.

The motion of Mr. Rogers prevailed, and the House, accordingly at 6 o'clock p. m., took recess to 9 o'clock a. m. tomorrow.

APPENDIX.

STANDING COMMITTEE REPORTS.

The following standing committees filed favorable reports on bills, as follows:

Common Carriers—House bill No. 603, Senate bill No. 198.

School Districts—Senate bill No. 355. House bills Nos. 660, 666, 651, 652, 547.

Banks and Banking—Senate bills Nos. 107, 100.

Municipal and Private Corporations—Senate bill No. 391.

REPORT OF COMMITTEE ON ENGROSSED BILLS.

Committee Room,
Austin, Texas, March 1, 1923.

Hon. R. E. Seagler, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

H. B. No. 218, A bill to be entitled "An Act to define what shall constitute a unit of weight or measure of all commodities purchased or sold by length, weight or measure; providing for the sale of commodities by State standards of weight or measure; providing for the sale of hay by weight; establishing a standard for bread sold in loaves; providing penalties for the enforcement of this law; repealing certain statutes, and declaring an emergency,"

And find the same correctly engrossed.
PRICE, Vice-Chairman.

Committee Room,
Austin, Texas, March 1, 1923.

Hon. R. E. Seagler, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

H. B. No. 339, A bill to be entitled "An Act making all fees of office other than those provided in Title 58 of the Complete Texas Statutes of 1920, known as the 'Fee Bill,' ex-officio fees of office, and provided said ex-officio fees shall be in addition to the maximum salary for office holders now provided in said title, and repealing all laws in conflict herewith, and declaring an emergency."

And find the same correctly engrossed.
PRICE, Vice-Chairman.

Committee Room,
Austin, Texas, March 1, 1923.

Hon. R. E. Seagler, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

H. B. No. 41, A bill to be entitled "An Act to regulate domestic relations by prescribing means and procedure for the enforcement of the obligation of the father of legitimate minor children for their support and maintenance, and for other purposes, and declaring an emergency,"

And find the same correctly engrossed.
PRICE, Vice-Chairman.

Committee Room,
Austin, Texas, March 1, 1923.

Hon. R. E. Seagler, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

H. B. No. 247, A bill to be entitled "An Act to establish and maintain a State School of Correspondence at Austin, Texas; to provide for all courses of study by correspondence that supply the needs of Texas people; to provide for the appointment of an executive board for same, and prescribe their duties; to provide for the appointment of members of the faculty, prescribe their duties and provide for the salaries of members of said faculty, and declaring an emergency,"

And find the same correctly engrossed.
PRICE, Vice-Chairman.

Committee Room,
Austin, Texas, March 1, 1923.

Hon. R. E. Seagler, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

H. B. No. 71, A bill to be entitled "An Act to validate certain sales of certain public free school lands sold to purchasers by the State on September 22, 1905, January 8, 1906, and September 5, 1907, and declaring an emergency,"

And find the same correctly engrossed.
PRICE, Vice-Chairman.

Committee Room,
Austin, Texas, March 1, 1923.

Hon. R. E. Seagler, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

H. B. No. 40, A bill to be entitled "An Act to provide a more efficient method for the collection of delinquent taxes, providing compensation for the county attorney and other officials, limiting the defense that may be urged in a suit of taxes, expressly repealing Articles 7687, 7688, 7689, 7690, 7691, 7692, 7696, 7699, 7697, 7687a, 7687b and 7688a, Vernon Sayles' Texas Civil Statutes, and repealing all laws in conflict herewith,"

And find the same correctly engrossed.
PRICE, Vice-Chairman.

Committee Room,
Austin, Texas, March 1, 1923.

Hon. R. E. Seagler, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

H. B. No. 221, A bill to be entitled "An Act to provide for co-operation between the State of Texas and the U. S. Department of Agriculture in the destruction of rodent pests, prairie dogs, rats, pocket gophers and ground squirrels, and predatory animals, coyotes, wolves, mountain lions and bobcats; appropriating funds for such purpose; repealing present law (Senate bill No. 66) and declaring an emergency,"

And find the same correctly engrossed.
PRICE, Vice-Chairman.

Committee Room,
Austin, Texas, March 2, 1923.

Hon. R. E. Seagler, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

H. B. No. 340, A bill to be entitled "An Act amending Sections 1 and 2 of Chapter 78, General Laws, Second Called Session, Thirty-sixth Legislature, as amended by Chapter 61, General Laws, First Called Session, Thirty-seventh Legislature, making it unlawful for any person, directly or indirectly, to possess or receive for the purpose of sale, or to manufacture, sell, barter, exchange, transport, export, deliver, take orders for, solicit or furnish spirituous, vinous, or malt liquors or medicated bitters capable of producing intoxication, or any other intoxicant whatever, or to possess, receive, manufacture, sell, barter, exchange, transport, export, deliver, take orders for, solicit, or furnish any equipment, still, mash, grain, fruit, material, supplies, device or other thing for manufacturing, selling, bartering, exchanging, transporting, exporting, delivering, taking orders for, soliciting or furnishing any such liquors, intoxicants, or beverages; and making it unlawful for any person, directly or indirectly, to possess or receive for the purpose of sale, or to manufacture, sell, barter, exchange, transport, export, deliver, take orders for, solicit or furnish, spirituous, vinous or malt liquors or medicated bitters, or any potable liquor, mixture or preparation, containing in excess of one per cent. of alcohol by

volume, or to possess, receive, manufacture, sell, barter, exchange, transport, export, deliver, take orders for, solicit or furnish any other thing for manufacturing, selling, bartering, exchanging, transporting, exporting, delivering, taking orders for, soliciting or furnishing any such liquors, intoxicants or beverages; making proof of possession or receipt or possession or receipt for the purpose of sale, is made unlawful in this act; amending Chapter 78, General Laws, Second Called Session, Thirty-sixth Legislature, by adding Section 35a with reference to seizure and destruction of the vehicles and instrumentalities for violating the liquor laws, and declaring an emergency,"

And find the same correctly engrossed.

PRICE, Vice-Chairman.

Committee Room,
Austin, Texas, March 2, 1923.

Hon. R. E. Seagler, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

H. B. No. 666, A bill to be entitled "An Act to amend Chapter 18, Special Laws, Thirty-seventh Legislature, First Called Session, incorporating the Fruitvale Independent School District in Van Zandt county, Texas; providing for the maintenance of elementary schools in said district, and declaring an emergency,"

And find the same correctly engrossed.

PRICE, Vice-Chairman.

Committee Room,
Austin, Texas, March 2, 1923.

Hon. R. E. Seagler, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

H. B. No. 617, A bill to be entitled "An Act to amend Chapter 35, Acts of the Second Called Session of the Thirty-seventh Legislature, being an act to amend House bill No. 23, Chapter 7, page 16, Acts of the Fourth Called Session of the Thirty-sixth Legislature, being an act relating to the protection of wild birds and wild fowl in the counties of Dimmit, Uvalde, Medina, Zavalla, Gillespie, Blanco, Llano, Kimble, Kerr, Real, Mason, Edwards, Menard, Sutton, Crockett, Bandera, Comal, Hays, Frio, Maverick, Kinney, Val Verde, Terrell, Brewster, Presidio, Jeff Davis, Schleicher, Tom Green, Sterling

and Irion, and changing the time of open season on such wild birds and fowl and providing penalties for the unlawful taking and killing of said wild birds and fowl, and exempting said counties above mentioned from Section 5 of Chapter 157 of the General Laws, Thirty-sixth Legislature, passed at its Regular Session, same being House bill No. 457, Chapter 157, thereof, and declaring an emergency, so as to include the county of Gillespie and exclude the county of Kendall therefrom and to place Gillespie county under the provisions of House bill No. 131, Chapter 35, Acts of the Second Called Session of the Thirty-seventh Legislature, and to place Kendall county under the general law,"

And find the same correctly engrossed.

PRICE, Vice-Chairman.

Committee Room,
Austin, Texas, March 2, 1923.

Hon. R. E. Seagler, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

H. B. No. 634, A bill to be entitled "An Act to regulate the killing of deer in the counties of Terrell, Val Verde and Kinney; defining offenses and prescribing penalties for the violation thereof, and declaring an emergency,"

And find the same correctly engrossed.

PRICE, Vice-Chairman.

Committee Room,
Austin, Texas, March 2, 1923.

Hon. R. E. Seagler, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

H. B. No. 239, A bill to be entitled "An Act relating to and providing for vocational education; accepting and validating previous acceptances of the benefits of an act passed by the Congress of the United States, approved on February 23, 1917, for the promotion of vocational education; designating the State Treasurer of the State of Texas as custodian for the reception and disbursement of all funds allotted to this State from appropriations made by the said act of Congress; designating and authorizing the State Board of Vocational Education as the State Board of Vocational Education to act in co-operation with the Federal Board of Voca-

tional Education in the administration of the provisions of this act; making an appropriation of \$223,038.42, or so much thereof as may be necessary, for the fiscal year 1923-24, and an appropriation of \$267,723.90, or so much thereof as may be necessary, for the fiscal year 1924-25; naming conditions under which aid may be extended by the State Board of Vocational Education, and declaring an emergency."

And find the same correctly engrossed.
PRICE, Vice-Chairman.

Committee Room,
Austin, Texas, March 2, 1923.

Hon. R. E. Seagler, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

H. B. No. 393, A bill to be entitled "An Act levying an inheritance tax or transfer tax and for the assessment thereof of an inheritance tax on all property passing by will or by descent, grant or gift under the intestate laws of the State of Texas or by transfer, contemplation of death, and providing for the collection of such taxes; said tax taking effect after the death of the grantor or donor, and repealing Articles 7487, 7488, 7489, 7490, 7491, 7492, 7493, 7494, 7495, 7496, 7497, 7498, 7499, 7500, 7501 and 7502, and repealing Chapter 21, Acts of the First Called Session of the Thirtieth Legislature, Chapter 166, Acts of the Regular Session of the Thirty-sixth Legislature, repealing all laws or parts of laws in conflict with this act, and declaring an emergency,"

And find the same correctly engrossed.
PRICE, Vice-Chairman.

Committee Room,
Austin, Texas, March 2, 1923.

Hon. R. E. Seagler, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

H. B. No. 547, A bill to be entitled "An Act to create the Bayside Colony Independent School District in Refugio and San Patricio counties, Texas, including the present Bayside Colony Common School District No. 7 of said counties; providing a board of trustees therefor; vesting said independent school district and board of trustees with all the rights, powers, privileges and duties conferred upon independent

school districts incorporated under the general laws of Texas; providing that the board of trustees of the present Bayside Colony Common School District No. 7 shall continue to act as such until their successors are elected as provided herein; providing for the assumption of any outstanding indebtedness created by the Bayside Colony Common School District No. 7, and declaring an emergency,"

And find the same correctly engrossed.
PRICE, Vice-Chairman.

Committee Room,
Austin, Texas, March 2, 1923.

Hon. R. E. Seagler, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

H. B. No. 635, A bill to be entitled "An Act to regulate the killing of deer in the counties of Uvalde, Medina, Zavala and Dimmit; defining offenses and prescribing for the violation thereof, and declaring an emergency,"

And find the same correctly engrossed.
PRICE, Vice-Chairman.

Committee Room,
Austin, Texas, March 2, 1923.

Hon. R. E. Seagler, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

H. B. No. 160, A bill to be entitled "An Act amending Article 4611 of the Revised Civil Statutes with reference to the issuance of marriage licenses so as to provide that no license to marry shall be issued except in the county of the residence of the female desiring to marry unless the parent or guardian is present in person and gives his or her consent for the issuance of such license; providing punishment for the violation of the act, and declaring an emergency,"

And find the same correctly engrossed.
PRICE, Vice-Chairman.

REPORT OF COMMITTEE ON ENROLLED BILLS.

Committee Room,
Austin, Texas, March 2, 1923.

Hon. R. E. Seagler, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 468, "An Act creating the Ninety-second Judicial District of Texas,

and fixing its boundaries, and providing for two district courts in said district, one in Stephens county and the other in Young county; defining and declaring the jurisdiction of said courts, respectively, and prescribing the duration of said courts; fixing terms of said courts; providing for a district judge of said district, and that in Young county the district attorney of the Thirtieth Judicial District shall act as district attorney of said new district; providing for a clerk of each such new court, and for compensation of such district attorney and of such clerks; providing for return to such new courts of process, writs and bonds, and for transfer and re-transfer of causes and actions, motions and matters to and from the dockets of such new courts, respectively; validating certain outstanding process and writs; detaching and removing Stephens county from the Forty-second Judicial District of Texas, and declaring an emergency."

Have carefully compared same and find it correctly enrolled, and have this day, at 10:05 o'clock a. m., presented same to the Governor for his approval.

HENDRICKS, Chairman.

THIRTY-SEVENTH DAY.

(Continued.)

(Saturday, March 3, 1923.)

The House met at 9 o'clock a. m., and was called to order by Speaker Seagler.

HOUSE BILLS ON FIRST READING.

The following House bills, introduced today, were laid before the House, read severally first time, and referred to the appropriate committees, as follows:

By Mr. Bonham:

H. B. No. 671. A bill to be entitled "An Act to amend Section 16 of Chapter 60, General Laws, passed at the Regular Session of the Thirty-fifth Legislature, making it an offense to remove any domestic animal or animals which have been quarantined; prescribing a penalty for the violation thereof; fixing the venue where prosecutions may be had, and declaring an emergency."

Referred to Committee on Live Stock and Stock Raising.

By Mr. Smith:

H. B. No. 672. A bill to be entitled "An Act granting and dedicating to the city of Austin, Texas, for exclusively municipal park and other recreational purposes, 6.41 acres of land, more or less, situated in or near the city of Austin, with reservation, and declaring an emergency."

Referred to Committee on Public Lands and Buildings.

By Mr. Morgan of Robertson:

H. B. No. 673. A bill to be entitled "An Act defining 'commission,' 'public roads,' 'highways,' 'railroads,' 'railroad grade crossings,' 'separation of grades,' 'underpasses,' 'overpasses,' authorizing the State Railroad Commission to curtail the construction of railroad grade crossings and to provide for the elimination of grade crossings already constructed, in certain cases; to authorize the Railroad Commission to conduct hearings and issue orders and decisions in respect to the construction of underpasses and overpasses, and elimination of grade crossings already constructed; authorizing the acquiring of additional right-of-way; providing for maintenance of underpasses and overpasses; providing for apportionment of the expenses of crossings constructed under the provisions of this act; providing the manner of enforcing the orders issued by the Railroad Commission pursuant hereto; providing right of appeal from the decisions of the Railroad Commission, and declaring an emergency."

Referred to Committee on Roads, Bridges and Ferries.

By Mr. Smith and Mr. Thrasher:

H. B. No. 674. A bill to be entitled "An Act exempting Travis county for a period of two years from the provisions of Chapter 12, Section 3, Acts of 1917, Third Called Session, as amended by Chapter 87, Section 3, Acts 1918, Fourth Called Session, and providing for an emergency."

Referred to Committee on Game and Fisheries.

By Mr. LeSturgeon:

H. B. No. 675. A bill to be entitled "An Act making it unlawful for any person, firm or corporation to sell or offer for sale for human consumption any milk which has had the cream line increased by any artificial means; pro-